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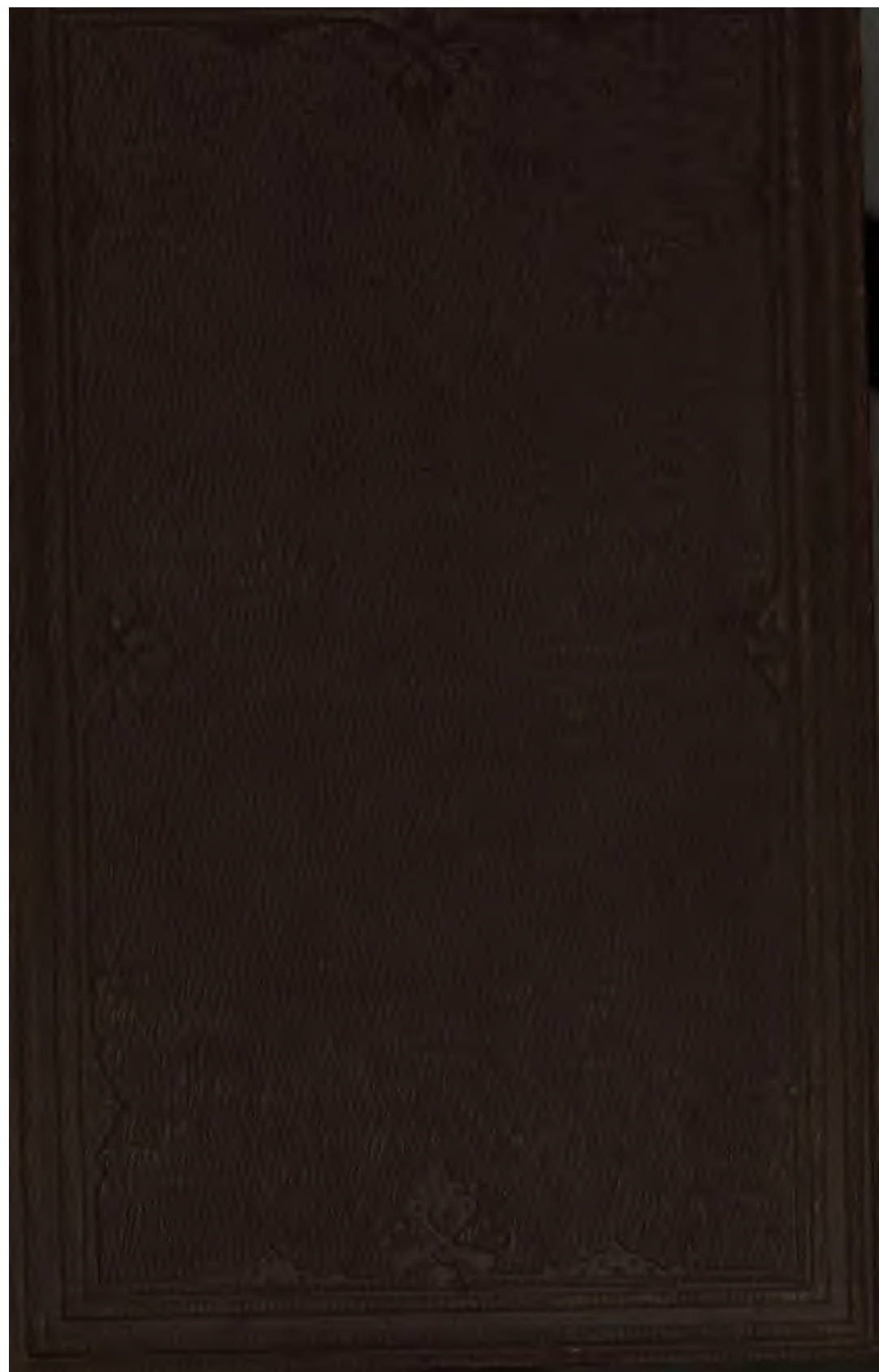
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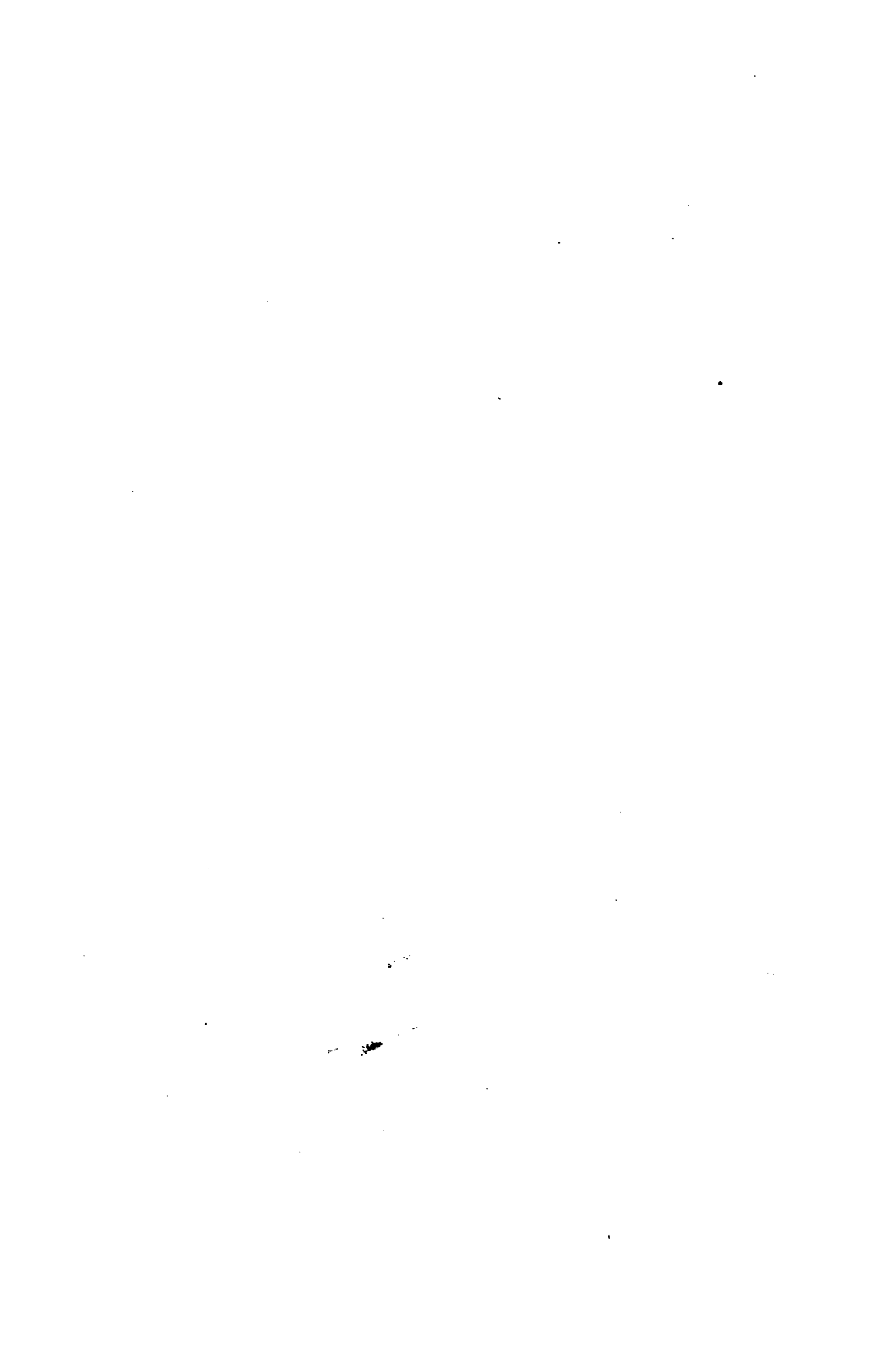
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RESULTS  
OF THE SYSTEM OF  
SEPARATE CONFINEMENT,  
AS ADMINISTERED AT THE  
PENTONVILLE PRISON.

BY JOHN T. BURT, B.A.

ASSISTANT CHAPLAIN;

FORMERLY CHAPLAIN TO THE HANWELL LUNATIC ASYLUM.

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TO

THE RIGHT HONOURABLE

SIR. JAMES R. G. GRAHAM, BART., M.P.

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SIR,

I avail myself with unfeigned gratitude of your permission to dedicate to you the following investigations into the results obtained from the experiment at this National Prison. In preparing those investigations for publication, I had anticipated that the cause of an efficient system of Prison Discipline would suffer much from the incompetence and position of its advocate, and from a probable presumption that my views were merely theoretical, or dictated by considerations not strictly compatible with the exigencies of State policy. I now hope that these disadvantages will be more than counter-balanced, when it is known, not only that the Separate System was originally organized at this prison under your immediate direction as Secretary



of State for the Home Department, but that my feeble efforts to preserve that system in its integrity are deemed not unworthy of consideration by a Statesman so eminent and so practical as yourself.

I have the honour to be, with great respect,

Sir,

Your obliged and most humble servant,

J. T. BURT.

*Pentonville Prison, 1852.*

## PREFACE.

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THE Pentonville Prison was erected for the purpose of submitting to actual experiment a new system of prison discipline. That system differed in some of its chief characteristics from all previous systems, and it was subjected to peculiar tests, both from the highly criminal character of the prisoners, and from the long duration of their imprisonment.

The experiment has acquired additional value from some important changes which have been recently introduced into the discipline. As the same prison has been consecutively conducted upon two different methods, and since those changes in the discipline have been followed by marked changes in the results, we may, undoubtedly, arrive at trustworthy conclusions as to the comparative merits of the two systems.

The results of such a National experiment,—an experiment which has now ranged over a period of eight years, and over a body of from three to four thousand convicts—can hardly fail to supply some important data for a solution of the perplexing problem of secondary punishments. That question is admitted on all hands to be a great problem *unsolved*. All well-authenticated facts, therefore, calculated to throw light upon that question, merit full and impartial investigation ; and to repress inquiry would be to prohibit the discovery of important truth.

The results obtained from this experiment derive increased importance from another consideration. The Separate System is becoming so general throughout the country, and indeed throughout Europe, that its superiority may be considered conclusively established. But considerable uncertainty exists as to the exact method for rendering the discipline most effective, and as to the period for which the separation may be safely prolonged. These are questions which remain to be more fully investigated ; and they are questions which the history of Pentonville is specially calculated to elucidate.

Perhaps the most important question in reference to prison discipline at the present time is, Whether separate confinement can, or cannot, be advantage-

ously prolonged beyond the twelfth month? The solution of this one question must extensively modify the whole administration of secondary punishments for all the graver forms of crime. But it is at Pentonville alone, that the most approved method of separate confinement has been tested upon a large number of prisoners beyond the twelfth month; that is, during the period at which the safety of this particular kind of discipline is the point in question.

In consequence, however, of the complicated nature of the experiment, and of the changes in the system, the results cannot be safely employed for the purpose of deduction without an accurate knowledge of the details from the first. But since the premature death of Mr. Crawford and Mr. Whitworth Russell—to whose sagacity and firmness this country is mainly indebted for the introduction of the Separate System—there are very few persons to whom those details are known. Had those humane and lamented men survived, they would have been the most fitting expositors of their own work, and I should have been exempted from a task in which I have most reluctantly engaged. As it is, however, being one of the very few personally acquainted with the important facts in question, I feel it incumbent upon me not to withhold this information. In this view of my duty I

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am confirmed by the opinion of persons to whose experience and judgment I cannot but defer.

It may be remarked, that this is not one of those departments of the public service in which secrecy is required. On the contrary, the public interests require publicity. The Pentonville Act renders it imperative on the Commissioners to report year by year all important information as to the results of the experiment; and their Reports are forthwith laid before Parliament. In presenting a summary of the facts detailed in those Reports, and in furnishing that additional information as to details, by which alone they can be rendered available as data for *correct* general conclusions, I venture to hope that I am furthering the intention of the Legislature.

In fact, my opinions in reference to the recent changes in the discipline have been already made public, in evidence given by me on two occasions, and at some length, before a Select Committee of the House of Commons, on prison discipline, in 1851.\* On both those occasions I expressed my disapprobation of those changes, without reserve. But the nature of the examination did not allow of a full

\* See Minutes of Evidence on the 7th and 14th of June; also a letter addressed by me to the Honourable Chairman, and published in the Appendix to the Minutes.

statement of the evidence, or of connected reasoning in support of my opinions. In the following pages I do little more than reproduce, in a more complete form, and corroborate, by more extended and more careful investigation, the evidence which I then gave. In making known my views in their present form, I am assured, upon the *highest authority*, that I am guilty of no violation of official propriety. Having obtained this assurance, and having maturely considered all the facts connected with the management of the prison, the magnitude of the interests involved in the effective punishment and reformation of criminals, and the consequent importance of full and correct information, I cannot escape from the conviction that I should be guilty of a grave dereliction of public duty if I were not to hazard the present publication.

I venture to think that some of the facts, especially those relating to financial economy, are not generally known. It will be found that under the Separate System, as originally enforced at Pentonville, when the discipline was most rigorous, and the convicts were retained from eighteen months to two years, there was scarcely any excess of insanity; and that the physical health was remarkably good;—that, since the discipline has been relaxed, and the term re-

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duced, the insanity has increased, and the physical health has not improved;—that the mortality, and the amount of severe sickness at the Public Works, are greater than at Pentonville;—and that the Separate System is more economical than any other. I apprehend that the opponents of the original discipline, possibly even its friends, are not fully aware how strong the evidence is upon all these points, in support of that system; and I indulge a hope, that when the whole of the facts are maturely considered, it will be admitted that the recent changes were founded upon erroneous or defective data.

I am aware that in my statement of the moral results, especially in tracing the moral *principles* involved in a sound discipline, I am fairly liable to the charge of tediousness. But changes are succeeding each other at this prison, which appear to me so plainly at variance with the most elementary of those principles, and public opinion is, as I conceive, so extensively in error upon these questions, that I have felt it necessary to make every other consideration subordinate to that of the completeness of the evidence and the conclusiveness of the proof.

I deeply regret my inability to treat the whole subject in a manner adequate to its importance. But the facts seem to me to possess an intrinsic value,

which cannot be altogether neutralized by the position or the faults even of an unknown and unpractised writer. At any rate, there may be *some* who will accept the information, regardless of the source from which it emanates, and of the great defects in the manner in which it is communicated.

P.S.—The following investigations were prepared for publication, and part of the work was in type, *during* 1851; the results of that year, therefore, could not be included. The publication has been delayed longer than was anticipated; but as the Report for 1851 is not yet presented to Parliament, I do not feel justified in anticipating it. I would only add, that nothing has occurred to alter the general conclusions at which I had arrived.



#### ERRATA.

Page 5, head-line, *for* Extension, *read* Extensive.

„ 59, last line but one, *for* conducted, *read* conducted.

„ 65, line 2, *for* recognised, *read* recognising.

„ 110, line 6, *for* 2, *read* II.

„ 110, line 14, *for* “occurred,” *read* occurred.

„ 113, line 16, *for* attained, *read* altered.

„ 139, last line, *for* Mr. Percy, *read* Mr. Perry.

„ 140, first line, *for* Mr. Percy, *read* Mr. Perry.

„ 238, line 20, *for* M. Ducpeteaux, *read* M. Ducpetéaux.

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## CHAPTER I.

### OF THE MORAL RESULTS AT PENTONVILLE PRISON.

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#### SECTION I.

##### *Of the Extent of Reformation.*

THERE had been half a century of benevolent exertion to improve the condition of our prisons, when, in 1838, the elementary principles of a sound system of discipline were elaborated by Mr. William Crawford and the Rev. Whitworth Russell, in their "Third Report," as Inspectors of Prisons for the Home District. Of that system the *isolation of the criminal from other criminals* was the basis.

Cellular imprisonment had already been introduced into the country during the last century, chiefly through the exertions of HOWARD; and prisons in which solitude was more or less enforced had been erected at Horsham, Petworth, and Gloucester. Those early experiments had proved successful beyond the expectations of their authors;\* but, from causes too powerful and wide-spread to be counteracted by three or four small and isolated gaols, crime

\* See Appendix, No. I.

continued to increase; these model prisons were over-crowded, and the separation was broken down. The system re-appeared in America, and was a second time introduced into England by Mr. Crawford, assisted by Mr. Whitworth Russell.

Under the system propounded by those eminent prison reformers, the solitude of the cell was alleviated by important moral elements, calculated to sustain the mind, and to promote reformation, while the punishment remained sufficiently severe. To this system they gave the distinctive name of the SEPARATE SYSTEM, and they recommended the erection of a metropolitan prison, both as a model, and as an experiment as to its results.\* The Pentonville Prison was the embodiment of their views. Lord John Russell was then Secretary of State for the Home Department, and first gave official sanction to their proposal. At the time the prison was completed, Sir James Graham had succeeded to the administration of that department; and the Commissioners nominated to conduct the experiment included statesmen and professional men of great eminence. The Board consisted of the late Lord Wharncliffe, then Lord President, Lord John Russell, the Duke of Richmond, the Earl of Devon, the Earl of Chichester, the Speaker of the House of Commons, Sir Benjamin

\* "Such a building," say the Inspectors, "would serve as a *model* for every other prison on the same principle, and . . . it might be appropriated to the confinement of prisoners sentenced to long terms of imprisonment, in order to put the system to the severest test."—*Extracts from the Third Report of the Inspectors of Prisons*, p. 181.

Brodie, Dr. Ferguson, Major (now Lieut.-Col.) Jebb, Mr. William Crawford, and the Rev. Whitworth Russell. It was impossible that a Commission could have been formed more entitled to the confidence of the country.

The general principles on which the prison was to be conducted were embodied in the Act of Parliament for its establishment: they were defined more fully in a letter from Sir James Graham\* to the Board, dated the 16th of December, 1842; and the details of the discipline and of the general management were arranged by the most experienced of the Commissioners, in accordance with the views of Mr. Crawford and Mr. Russell. On the 21st December, 1842, the prison was opened for the reception of convicts under sentence of transportation.

The distinctive characteristic of the discipline was the COMBINATION *of severe punishment with a considerable amount of instruction and other moral influences.* The elements relied upon for severe punishment were, rigid separation, and a protracted term of eighteen months' imprisonment, followed by transportation. The moral or reformatory elements† were, frequent visitation by superior officers, a considerable amount of moral and religious instruction, combined with industrial training, and a reasonable prospect of earning an honest

\* For the Preamble of the Act, and the Letter of Sir James Graham, see Appendix No. II.

† I call them the "moral or reformatory elements," in ignorance of a more correct term by which to distinguish them from the penal elements. Strictly speaking, the punishment is a moral and reformatory element.



livelihood in the colony, upon the sole condition of steady good conduct. At that time, these elements of severity and kindness were combined at Pentonville in a higher degree than they have ever been combined in any other prison in Great Britain.

For five years this system continued in operation without any important modification. In 1848, a series of important changes were introduced, and those changes have subsequently been extended, until each distinctive characteristic of the original system has been impaired. The rigour of the separation has been relaxed ; the term of the imprisonment has been reduced ; the prospects of the prisoners upon removal have greatly deteriorated ; and these and other changes have incidentally, but inevitably, resulted in a decrease of moral instruction. Thus the integrity of the system has in reality been surrendered ; a mixed system has superseded it : it is attempted to retain separation without its safeguards, and association is restored for purposes of industry or economy.

The effects of this departure from the original system are not limited to Pentonville. They extend to a permanent body of 8000 or 10,000 convicts ; and there is reason to fear that they will prove the commencement of a general retrograde movement in prison discipline. When these changes have been made at the prison erected for a *model* of the separate system, and placed under the immediate management of the Government, it will undoubtedly be inferred, that the more rigorous discipline and the longer term have been found inoperative or unsafe. It becomes there-

fore a matter of considerable importance to ascertain with accuracy what were the results of the original system; how those results have been affected by the recent changes; and upon what grounds those changes have been made. These are questions which I purpose, however feebly, to investigate.

*The Moral Results under the ORIGINAL DISCIPLINE.*

The moral results at Pentonville, during the early years of the experiment, are admitted to have been remarkable. Upon this point great unanimity of opinion has always existed among those who have been personally cognizant of the facts. In the yearly Report of the Commissioners the following very decided opinions are expressed:—

In the Second Report,\* after the first year's experience, they write:—"We have felt it our duty to institute a searching investigation into every part of the discipline of the prison. . . . There exists abundant proof of the moral and religious improvement of the prisoners." In the Third Report they advert to their former opinion:†—"The experience gained during the last year has fully confirmed the opinion we before expressed, and has multiplied the facts upon which that opinion was founded." The Fourth Report reiterates the same conclusion:‡—"The experience of another year, strengthened by the highly gratifying account which we have received as

\* Second Report of the Commissioners of Pentonville Prison, 1844, p. 13.

† Third Report, 1845, p. 9.      ‡ Fourth Report, 1846, p. 11.

regards the conduct of the prisoners who have been sent abroad, both during the voyage and subsequent to their arrival in Australia, has more strongly than ever impressed us with the value of this corrective and reformatory system of prison discipline." The conclusion of the Fifth Report repeats these previous opinions, and contains the following remarkable passage:—"On reviewing these opinions, and taking advantage of the experience of another year, we feel warranted in expressing our firm conviction, that the moral results of the discipline have been most encouraging, and attended with *a success which we believe is without parallel in the history of prison discipline.*" Conclusions arrived at by such men, and expressed with such confidence, are of the highest authority.†

The opinions of the officers of the prison coincided with those of the Commissioners: from the governor and the chaplain to the warder,—all were strongly impressed with the conviction that, at that time, the reformation was extensive.

But before an opinion can be given upon the *extent* of the reformation effected, it may be well to define the sense in which the term "reformation" is used. A distinction is sometimes drawn between a general renovation of the moral character, and the determi-

\* Fifth Report, 1847, p. 15.

† The Second and Third Reports are signed by the whole of the original Board. When the Fourth Report was signed, Lord Wharncliffe's lamented decease had taken place, and Lord John Russell had undertaken the formation of a ministry. The vacancies had been filled by Mr. B. Hawes, the late Under-Secretary of State for the Colonies, and Mr. Joseph Henry Green, of St. Thomas's Hospital.

nation to abandon a criminal career from fear of a repetition of punishment,—the effect being termed reformation only in the former case, and in the latter intimidation. But, practically, it is not possible to mark distinctly the limits of these two influences. Nor does it appear necessary to do so. The result aimed at by a penal code will be attained when, by whatever motive, the criminal is induced to restrain his vicious propensities within the limits which the law prescribes. Three influences, more or less distinct, may operate in producing this result. It may be one effect of religious conversion; it may arise from a general amelioration of the moral character; or it may be the result of prudential consideration, of intimidation or of forethought. It is not often, I apprehend, that actual reformation can be exclusively referred to any one of these causes. The several influences usually co-operate, and one passes insensibly into another, though in different cases different motives preponderate. In any case, however, the result is *reformation*.

Neither will a relapse into vice, or even into crime, necessarily disprove the existence of previous reformation. Human virtue is in all cases liable to be overborne, and its degrees are measured by the force of the temptation which it can resist. In the reformed criminal, therefore, it would be unreasonable to expect impeccable piety or stoical fortitude; enough will have been effected to merit the title of reformation, when the once habitual offender exhibits *an average standard of virtue, under an average pressure of temptation*.

Now, there are strong reasons for believing that, from the combined operation of punishment and instruction, a very large proportion of the early Pentonville prisoners was reformed, and that many others were, in some degree, morally elevated, or were in process of reformation. With not a few there was a religious change,—intelligent and sincere. With many there was great moral improvement. With an additional number, the length and severity of the punishment produced a hearty resolution to avoid its repetition.

### *Evidences of the Reformation.*

The unanimity which has prevailed among the Commissioners and officers as to the early moral results, affords a presumption in favour of the correctness of their opinions. But it may be well to state more explicitly the nature of the evidence by which the extent and reality of the reformation have been attested.

That evidence is of three kinds: 1. *Personal* observation of the prisoners, during their imprisonment. 2. *Confidential communications*, received from prisoners respecting their fellow-prisoners, when they have been associated preparatory to embarkation. 3. The conduct of the prisoners *after their removal* from the prison. 4. The efficacy of the original discipline has also been powerfully illustrated by the marked contrast in the moral results which has been observed since the changes in that system.

#### *I. Personal Observation.*

The opinions of both Commissioners and officers

were formed from constant intercourse with the prisoners. Among the Commissioners most frequent in their visits to the prison were Mr. Crawford and Mr. Russell, Sir B. C. Brodie and Dr. Ferguson, the Duke of Richmond and the Earl of Chichester (these noblemen having been long familiarized with the character of prisoners in the discharge of their duties as Visiting Justices, the Earl of Chichester being also a Chairman of Quarter Sessions). It was impossible that men of so extensive experience could have been much misled. Yet the demeanour of the prisoners at Pentonville was such as to carry conviction to every one of these visitors, that the moral influence of the system was powerful and extensive. This conviction is recorded by the whole Board, in the following passages in their Second Report :\*—"From the inquiry we have already mentioned, and from our own personal observation, we have clear evidence of the good effect of moral and religious instruction, to a great extent, upon the prisoners." . . . "We have unequivocal evidence that moral reformation has begun in many of their minds." . . . "There exists abundant proof of the moral and religious improvement of the prisoners." With this conclusion of the Board, the opinion of every officer has coincided. For my own part, it has not been obtrusive professions nor set phrases that I have accepted as proofs of reformation, but rather incidental indications,—the signs of subdued disposition and of an altered current of thought and feeling. This kind of

\* Second Report of the Commissioners of Pentonville Prison, pp. 12, 13.

evidence always appeared to me more satisfactory, from the fact of its having been progressive. There was very generally a marked difference between the demeanour of the prisoners during the earlier period of their imprisonment, and towards its close. With a few, undoubtedly, the shock occasioned by the sentence, co-operating with the seclusion, may have induced immediate repentance; but with the majority, decisive indications of amendment were slowly developed. Those influences for good, which are never brought home to the heart in vain, have come into full play by degrees, and their effects have been gradually discovered. For a time it has been apparent that they were more or less disregarded, and in some cases that they were resisted. Subsequently, resistance or neglect has subsided; and the results which have followed have been precisely those which are the legitimate effects of reflection and penitence.

In accepting this evidence, allowance must unquestionably be made for hypocrisy. There will be a large class of prisoners respecting whom the cautious observer will hold his judgment in suspense, until liberty is regained, and their sincerity tested. Some, however, will inevitably dupe the most wary within a prison, as the most wary are duped in the world at large. Cases of this kind have occurred from the beginning, and still occur; but in ordinary cases of hypocrisy, *premature* profession, and an absence of *incidental* indications of sincerity, distinguish them from the more extensive results of later development and gradual growth.

## II. *Confidential Communications from Prisoners.*

The conclusions thus deduced from personal observation were corroborated by confidential communications received from prisoners respecting their fellow-prisoners, when they have been associated in large numbers immediately before embarkation.\*

In the associations thus formed during the first few years, there were small parties of bad men, who found each other out, kept together, and were remarked ; but with the majority there was marked improvement, and the prisoners very generally expressed surprise at the change which had taken place in their former associates. On being first thrown together, they would often accost each other with the inquiry,—“*Do you mean to be steady?*” or with some similar question. And, not unfrequently, they have expressed astonishment bordering on incredulity, and mingled with gratitude, at the contrast between what their companions had been when they last parted at Newgate or Millbank, and what they found them when they met again in the grounds at Pentonville.

It is easy to repudiate such evidence, but it is not easy to destroy its authority. In many cases, these reports—both the favourable and the unfavourable—have been obtained only upon inquiry, and upon promise of secrecy. The reports from the same individuals have not been uniformly good or uniformly bad, and the variations have followed no rule that would

\* When arrangements were concluded for the embarkation of a draught of prisoners, they were occasionally allowed to associate with each other in the grounds at Pentonville until they were embarked.



coincide with any motive of interest or partiality. Old companions have sometimes been reported ill of, and strangers have been approved. The following instance will serve as an example:—Two brothers had been partners in villany of the deepest dye. Of the reformation of one of these I had formed a strong hope,—of that of the other, none. When they were again thrown together, each reported the other to be what I believed. There was no interruption of brotherly regard, but the better disposed, while he spoke with regret of the unchanged state of the other, gave a favourable report of strangers, and associated with them rather than with his brother. Such information from prisoners, when it presents sufficient securities for its truthfulness, will give the most complete insight into the moral condition of a prison.

### III. *Conduct of the Prisoners after Removal from the Prison.*

But the most decisive evidence is derived from well-authenticated reports of the conduct of the men after their removal from the prison.

There could not be stronger testimony than that of Dr. Hampton, the present Comptroller-General of the Convict Department in Van Diemen's Land, who sailed as Surgeon Superintendent of the *Sir George Seymour*, in charge of 345 of the first Pentonville prisoners. At the commencement of the voyage, 11th November, 1844, this experienced gentleman writes:—“The prisoners are going on exceedingly

\* Third Report of the Commissioners of Pentonville Prison, p. 10.

well. . . . I am quite delighted with them.”  
 “It gives me the greatest pleasure to express my admiration of the praiseworthy manner in which the prisoners are behaving.” . . . . “They *are superior to any prisoners I have ever seen.*” At the termination of the voyage he renewed his testimony in even stronger terms :\*—“I have been *for years* familiar with the convict service at sea ; have come out to this and the neighbouring colony in charge of emigrants, and male and female convicts, and have served in highly disciplined ships of war ; yet *I never witnessed anything to equal the uniform orderly, good conduct of the prisoners on board the Sir George Seymour.*” I am aware that mere prison good conduct, which is little more than the absence of punishable offences, is not a valid proof of reformation ; but Dr. Hampton’s testimony goes beyond this : there is a precision and a warmth of feeling about it which bespeak our confidence in the reformation which it describes.

Nor could testimony be more conclusive than the reports of the *colonists*, and the rapidity with which the exiles were engaged from succeeding vessels, in many cases by masters who had hired from the earlier arrivals. Many months after the first exiles had been dispersed in service through the Port Philip district, a meeting was held by the Geelong Emigration Society, for the purpose of settling a report upon the conduct of the prisoners, to be transmitted to the Home Government. At that meeting, resolutions were passed from which the following passages are extracted :—“From

\* Fourth Report, pp. 44, 45.

the *experience* of several members of this Committee, and from *the best private information the Committee are able to collect, they have every reason to believe* that those gentlemen who have employed the exiles by the *Sir George Seymour*, entertain a *very favourable opinion of them.*" . . . "The men by the *Sir George Seymour* have been generally *unexceptionable in their conduct and respectful in their demeanour, and have been found useful and efficient workmen.*" "Several members of this Committee, and many connected with the Geelong Emigration Society, have employed the exiles by the *Sir George Seymour*, the majority of whom are still in the service of their original employers." The mere fact that a prisoner, when removed to a remote colony, and placed in a good situation, has conducted himself in a manner satisfactory to his employer, is certainly not enough, taken singly, to warrant any confident conclusion as to his moral improvement. The importance of the colonial testimony, in the present instance, arises from the circumstance that it *completes a chain of evidence.* Where the facilities for behaving ill, which unlimited freedom in the colony afforded, proved an insufficient temptation, we are furnished with the final test, and the most complete that could be obtained, of the sincerity of the prisoners' previous professions, and of the correctness of the estimate which had been unanimously entertained by officers, commissioners, and surgeon-superintendents. The testimony of the Geelong Society, that the conduct of the early exiles was thus satisfactory, is explicit,—is the result of experience, and is therefore conclusive.

This was not the testimony of a depressed colony, eager to obtain cheap labour, and regardless of the moral character of the labourer. In the resolutions quoted, the Geelong Emigration Society expressly stipulated, that if future "*exiles*" were to be consigned to the colony, they "should be equally reformed and respectable with those already sent." Upon this condition, they stated it to be their impression, "that 1200 *additional exiles would find remunerative employment annually* IN THAT DISTRICT ALONE." But they added an emphatic warning, that any deterioration in the moral character of the exiles would be fatal to their reception.

This testimony, therefore, is not at all affected by the circumstance, that a subsequent class of exiles, selected on different principles, did not obtain a like unanimous testimony in their favour.

### *Classification of the Prisoners.*

In reference to any discrepancy between the early and more recent accounts of the exiles, a recurrence to the history of the several arrangements for the disposal of the prisoners becomes important. The facts, I believe, are not generally known.

It was originally intended to have consigned the whole of the Pentonville prisoners to Van Diemen's Land in three classes. The first, or most hopeful class, were to have received *tickets-of-leave*; the second class, whose reformation was considered doubtful, were to have received *probation passes*; the third class, who appeared to have derived little moral

improvement from the discipline, were to have passed through the *probation gangs*. According to this arrangement, the first draught, consisting of 379 prisoners, was classed as follows :—First class, recommended for tickets-of-leave, 288, which was in the proportion of about 75 in 100 ; second class, 78 ; third class, 13 : three had been previously removed as incorrigible. When these classes were on the point of embarkation, despatches arrived from Van Diemen's Land, which described the depressed moral and financial condition of that colony. Prospects had been held out to these men which, it was now found, could not be realized ; the order for their embarkation was consequently suspended, and arrangements were made for sending a carefully selected number of the first class to Port Philip. That colony, however, being exempted from receiving convicts, it was necessary that these men should be landed free ; and pardons were accordingly granted to them, upon condition of their not returning to the United Kingdom until the expiration of their sentences. This was the origin of the "*exile*" or "conditional pardon" class. Under this new arrangement, 176 of the original first class were selected for "*exiles*," and were embarked for Port Philip ; the remainder retained their former position, and, with the original second class, were consigned to Van Diemen's Land. During the following year, the same arrangements were adhered to, and the prisoners were selected for the several classes in about the same proportions.

Among the second and third classes, *some* were

suspected to be unchanged, or imperfectly reclaimed ; but many were hopeful ; vice was loosening its hold, and resolutions of amendment were gathering strength. They were exposed, however, to the most severe temptations. The colony was flooded with convicts —“old hands,” fresh from the training of the gangs and penal stations. The labour market was glutted ; and thousands of tickets-of-leave-holders were wandering unemployed, or were glad to barter returning liberty for a subsistence in the penal gang or barrack. It was among such competitors and companions that the new comers were called upon to earn an honest living, and to maintain an inflexible virtue. When a reformation confessedly feeble or faulty was subjected to such temptations, partial defection was inevitable. Such a result, however, does not disprove the pre-existence of reformatory influence. We are precluded by the highest authority, from admitting corruptions induced by evil communications, as evidence against previous good manners. Nevertheless, these men, as a body, elicited the approbation of the Lieutenant-Governor for their excellent moral conduct.

The conditional pardon granted to the exiles conferred, as already stated, unrestricted liberty in the colony. From the day these men landed they were perfectly free ; they could take engagements or refuse them—work for themselves or not work at all—linger in the towns, or leave the colony if they had the means ; the sole condition imposed upon them was that of not returning to the United Kingdom for the term of their sentences. To be placed in this class

was a great boon to a thoroughly reformed convict ; but it was a severe trial of reformation, inasmuch as it afforded the utmost facility for a return to vicious practices if the disposition remained. The measure was, in reference both to the prisoners and the colony, an experiment dictated by the exigences of the case ; but it was an experiment which, if successful, promised to be a valuable element in the general system of convict discipline. As such it was at first conducted with the care which its importance deserved, and with an impartial wish on the part of those with whom it originated,\* to ascertain its results with correctness. To the anxiety of the Home Government to obtain truthful information, and to consult the feelings of the colonist, are to be attributed the investigation instituted by the Geelong Emigration Society, and the meeting at which they adopted the resolutions already quoted. Everything concurred to give weight to those resolutions. The Society was an association of private individuals, acting *without any official pressure* to induce them to support a pre-arranged plan, and called upon as the protectors of the colony to give a candid opinion for the guidance of Government. The caution observed by them in forming their opinion, as clearly indicated in the resolutions, and the independent tone in which that opinion is expressed, especially the warning against sending out any exiles not "equally reformed" with the first, entitle that testi-

\* The Earl of Derby was at that time Secretary of State for the Colonies, and Sir James Graham for the Home Department.

mony to implicit confidence, and render it decisive evidence of the success of the experiment.

What the causes were which led to a subsequent deterioration in the character of the exiles is a distinct question. There can be no doubt that the relinquishment of an equally scrupulous classification of the prisoners on their removal was one chief cause. Such was the depressed condition of Van Diemen's Land, that the prospects of a convict in that colony were almost hopeless, and the Pentonville prisoners were consequently placed indiscriminately in the exile class, with the exception of a small proportion of the worst characters.\*

The following Table will exhibit, with exactness, the change which took place in the system of classification :—

TABLE showing the Classification, on Moral Grounds, of all Prisoners discharged from Pentonville in the ordinary Manner, during the continuance of the "Exile" System.

Years.	"Exiles," or "Conditional Pardon" Class.	2nd Class, or Ticket-of-leave Holders.	3rd Class, or Probationary Pass Holders.	Removed as Incorrigible or unimproved.	Totals.
1844, 1845	255	126	92	22	495
1846, 1847, 1848	839	58	8	27	932
Totals.	1094	184	100	49	1427

It will hardly excite surprise that the proportion of

\* A considerable number of prisoners were also consigned to the same district, as exiles from the Millbank and Parkhurst Prisons, without having passed through Pentonville at all.



*transported convicts* thoroughly reformed should not have been so large as 88 in every 100. Many of these men thankfully availed themselves of the advantages conferred by the conditional pardon, and applied themselves honestly and industriously to such occupations as offered. But there were among them old offenders, unreclaimed, and the freedom which with others aided virtue by rewarding it, to these afforded encouragement to licentiousness.

The correctness of this explanation of the change which took place in the character of the exiles is strikingly corroborated by the following passages in a despatch from His Excellency, Mr. Latrobe, the Lieutenant-Governor of the Colony of Port Philip, dated Melbourne, March 10th, 1849 :—"And there is no doubt but that, during the years 1845-6, the exiles that were introduced were upon the whole carefully selected, and not unworthy of the favour shown them. The readiness alone with which they were welcomed, and met with employment, was, doubtless, much to their advantage. . . Subsequent importations, however, did not come up to the standard. . . . It is not to be wondered at that the exiles, as a class, fell into general disrepute ; and there can be no doubt, but *many of those amongst them, whose conduct was unexceptionable*, have participated in the odium which attaches to the name, and have been placed in circumstances of disadvantage accordingly."

It will be seen that, between the description of the facts as they were observed by the Lieutenant-Governor

in the colony, and the preceding explanation of the cause which led to those results, there is an exact coincidence. And possibly it may add weight to the evidence arising from this coincidence, that the results were described in ignorance of their cause, while it happened that the preceding explanation of the cause had been written by me before the perusal of the despatch. There could not be a higher authority than Mr. Latrobe; and when, after the mixed results of subsequent years, he adheres to the opinion that the first exiles merited the unlimited freedom of the colony, and that, to the last, "the conduct of many amongst them was unexceptionable," his testimony furnishes strong corroboration of the resolutions of the Geelong Emigration Society, and of the whole of the evidence to the success of the original system.\* Those exiles included, it has been seen, about fifty in a hundred, and the more recent exiles, about ninety in a hundred, of all the prisoners embarked. It never was contended by the authors of the separate system, that all criminals would be completely reformed by it, but that it would effect the greatest *practicable* amount of reformation; and certainly the accumulated evidence which has been adduced justifies their anticipations.

It is my deliberate conviction,—I write with an intimate knowledge of the history of the prison,—that, provided the original discipline had been maintained in its full integrity, a considerable number of our convicts might have been disposed of in the Australian colonies, with results as completely satisfac-

\* For some additional testimony, see *Appendix III.*

tory as those which attended the experiment with the first Pentonville prisoners. The caution at first exercised in the classification of the *Exiles* might again have been observed ; and for a class so selected, the conditional pardon promised to be a highly advantageous arrangement. A much larger class might safely have been intrusted with a more restricted degree of liberty under the "ticket-of-leave," and subject to a well-ordered system of summary jurisdiction. Under such conditions many might have been kept in check, whose reviving or feeble virtue would not bear the trial of unqualified freedom.

The disposal of the irreclaimable convict would still have remained a difficult problem ; but the difficulty would have been considerably less than that which is now experienced in disposing of the whole of the convicts, with scarcely any outlet. It is the undistinguished diffusion of incorrigible criminals among the whole body of the convicts, that renders the problem of convict discipline, at present, almost insuperably difficult. If the amount of this incorrigible criminality were distinctly ascertained, and reduced within its actual limits, we might then more readily discover and apply the specific measures required.

#### *Decrease of Reformation.*

Such had been the results of the original system of discipline, when those changes were introduced by which each of its distinctive characteristics has been impaired. Already there had been one or two partial

movements in the same direction ; and in an experimental prison these slight changes, viewed as tentative measures, had not been without their value. It would be tedious to trace such intermediate variations, either in the discipline or in its results ; but it may be confidently affirmed that there was nothing in the results at that time to justify the expectation that, even under the discipline as it was then administered, reformation would be so general among the whole body of convicts, that they might with safety be thrown together, during protracted periods, at the public works. Those changes had also afforded indications, not to be mistaken, that there could be no departure from the integrity of the original system without a lessening of its efficiency. No sooner, however, were those changes in the system carried into full effect, than the deterioration in the moral results became marked and extensive.

I have endeavoured to point out clearly the kinds of evidence by which reformation can be proved to have taken place under the original system ; it is the altered character of the same kinds of evidence that has proved the decrease of reformation under the altered system. Those indications by which the visitor was formerly convinced of powerful moral influence, as he passed from cell to cell, were no longer met with to the same extent. The conversation and demeanour of the prisoners became changed ; there was less of interest, of attention, of inquiry ; there was more recurrence to the subject of their crimes, and more protestation of innocence. These last are the moral

features which characterise the ordinary gaol in the absence of extensive reformation.

After these changes, when the prisoners were associated at Pentonville, before removal, the reports of those who could be trusted respecting their companions presented a painful contrast to what they had been. *Formerly*, there had been small parties of bad men, and the majority greatly improved: *now*, the proportions of the bad and the good were reversed; it was a small party of well-disposed men, and the rest unchanged or imperfectly reclaimed. On these occasions, when the prisoners were first removed after the reduction of the term of separate confinement, it was so obviously an object of importance to ascertain correctly their moral character, that my inquiries were made with great care. The prisoners from whom I obtained my information were both the best conducted and the most intelligent, of whom the most favourable opinion was entertained by *all* the superior officers. If these men were not truthful, not a man was reformed; if they were, then the change was unquestionable. The change thus indicated in the results of the discipline was not a decrease of religion only, but also of reformation; and the conversation was not merely vicious, it was *criminal*. Nor was it an insignificant fact that, after these men had been associated for some weeks, they were reported to have grown *worse*. As evidence of the actual results at a particular prison, these facts may be undeserving of publicity; but as the results of a national experiment, their publication seems to be required. There

can be no hesitation in accepting them as truthful evidence. It would not be possible to assign any motive which could have induced the early prisoners to have reported favourably of each other, and these to have reported unfavourably, except the truthfulness of the testimony in both cases; and, in fact, the credibility of the evidence in each case is very greatly strengthened by this difference.

*Of the Criminal Classes from which the Pentonville Prisoners have been selected.*

It is certain that this change in the moral results at Pentonville cannot be accounted for, except to a limited extent, by any change in the criminal character of the prisoners. As the facts, however, in reference to this question, are somewhat complicated and are of considerable importance, they require investigation. The prison having been designed as an experiment in penal discipline, it was wisely determined at once to subject the new system to a severe test, by appropriating the prison exclusively to convicts under sentence of *transportation*. In the selection of this class of criminals there were two advantages. The length of their sentences allowed the whole of the prisoners to be subjected to a uniform term of eighteen months' separate imprisonment; and the discretionary power vested in the Secretary of State, to determine their final destination, afforded facilities for carrying out the arrangements subsequent to removal. The long imprisonment was intended to allow time for the full development of the

moral influence of the system, and at the same time to act as a severe test of its effects upon the mental and bodily health. Transports, moreover, as being convicted of grave offences, were a class of criminals which afforded a severe test of the reformatory efficacy of the system.\* They were also the class in dealing with whom, owing to the gravity of their crimes, the social and political embarrassment is the greatest, and whose reformation would therefore have afforded the greatest recompense to the state for the outlay incurred in the experiment.

At the same time, since the express object for which the prison had been erected, as defined by Act of Parliament, was the *reformation* of offenders, it was deemed most consistent with the intentions of the legislature, that this prison should be occupied with convicts whose previous career left some hope of their deriving benefit from the discipline. The rigour of the discipline, the duration of the imprisonment, and the instruction, had been so adjusted as to render that discipline, in the opinion of the founders of the system, adequate to the correction of even transported convicts. But it had not been organized by them as adequate to the punishment or reformation of those who had evinced the last excesses of depravity, or an invincible pertinacity in crime. The effect of the system, even upon the class of very grave offenders, to whom it was first applied, was problematical. It was for experience to determine this question; and the result of that experiment would have supplied data for an estimate,

\* See an extract from the Third Report of the Inspectors, contained in a Note at page 2.

with what degree of hope, and with what modifications, the experiment might have been extended to these worst classes among transports who, after all, constitute not one per cent. of the whole prison population.

By the opponents of the system, however, this selection has been adduced as accounting for the early results. But this objection is founded upon an oversight of the fact already stated—that Pentonville was from the first appropriated exclusively to *convicts under sentence of transportation*. There are two grounds upon which transportation is inflicted;—the nature of the offence,—and the character of the offender. Where this most severe of all secondary punishments is awarded, the character of the criminal will have been notoriously bad, or the crime will have been grave and aggravated. There are exceptional cases, but as a class, transports are the most heinous or the most hardened offenders.

The number of criminals yearly consigned to prisons of England, Wales, and Scotland, ranges not very wide of 150,000. Of these, the number convicted of offences which render them liable to transportation ranges somewhere about 30,000, and of these the number actually sentenced to transportation is (in round numbers) about 3000. It was from this residuum of all the crime of Great Britain that Pentonville had to be filled. The prison contained 508 prisoners; and as the average term of imprisonment was eighteen months, it could only receive about ten per cent. of the 3000 transports. It was therefore from those 3000 who, unless justice be made nugatory in its administration, must as a body be the most ill-conditioned and ill-deserving felons out of ten

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times their number, that about 300 were annually selected for Pentonville. The selection of the early prisoners, when that selection had to be made from such a class, is not sufficient to account for the remarkable success of the original discipline.

The following Table will show the exact criminal character of the first 1500 prisoners, which nearly complete the number admitted during the continuance of the original system.

*TABLE showing the Crimes of the first 1500 Prisoners admitted into Pentonville.*

Description of Crimes.	Number of Prisoners.
Burglary, Housebreaking, Shopbreaking, &c. ....	234
Horse, Sheep, and Cattle-stealing. ....	138
Robbery, ditto with violence ; and Highway Robbery	65
Forgery, and uttering Forged Instruments . . . . .	43
Embezzlement, and Robbing Employers . . . . .	41
Receiving Stolen Property . . . . .	26
Night-poaching, armed, and Assaulting Keepers. . . .	15
Post-office Robberies . . . . .	13
Manslaughter, Attempts at Murder, and Cutting and Wounding . . . . .	8
Riot, and Riot and Assault. . . . .	8
Rape, and Assaults with Intent, &c. . . . .	7
Arson . . . . .	6
Obtaining Money and Goods under False Pretences	6
Bigamy . . . . .	4
Coining, and Uttering Base Coin . . . . .	3
Perjury . . . . .	2
Administering Drugs to Produce Abortion . . . . .	1
Killing Cattle . . . . .	1
Misdemeanors . . . . .	4
Larceny and Theft of various kinds, and Felonies un- defined . . . . .	866
Desertion, and other military offences . . . . .	9
Total . . . . .	1500

TABLE *showing the Numbers known to have been previously convicted, and not known to have been previously convicted, among the first 1500 Prisoners.*

Previously convicted . . . . .	512
Not known to have been previously convicted . . . . .	988
Total . . . . .	<u>1500</u>

It will be seen from these Tables that, notwithstanding the care at first exercised to secure a hopeful class of prisoners, a considerable number of those selected were guilty of grave crimes, and were known to have been previously convicted.

But the invalidity of this objection to the success of the original discipline is most conclusively established by the fact, that reformation was not by any means limited to those who, according to the only tests of criminality available for the selection, were the least criminal. Prisoners guilty of the graver classes of offences, and previously convicted, succeeded in obtaining conditional pardons and "tickets-of-leave," in proportions not greatly varying from those in which the same tokens of reformation were adjudged to others. The gratifying results will appear in the following Tables :—

**TABLE showing the Crimes, and the subsequent Classification on removal of the first 500 Prisoners.**

Crimes.	Classification on Moral Grounds.				Special Causes of Removal.						Totals.
	Conditional Pardons.	Tickets of leave.	Probation Passes.	Incorrigible and Ordinary.	Insane.	Deaths.	Medical Pardons.	Medical Removals.	Free Pardons.	Superior Education.	
House and Shopbreaking	15	14	9	1	—	2	3	2	—	—	46
Burglary	12	10	15	3	—	1	—	—	—	—	41
Robbery	1	1	3	—	—	—	—	—	1	—	6
Assault and Robbery	3	1	—	1	—	—	—	—	—	—	5
Horse, Sheep, and Cattle-stealing	21	15	7	1	—	1	—	2	1	—	48
Forgery and Uttering	11	1	1	—	—	—	—	—	—	—	13
Coining and Uttering	—	2	—	—	—	—	—	—	—	—	2
Riot, and Riot and Assault	4	2	—	—	—	—	—	2	—	—	8
Wounding	—	—	—	1	—	—	—	—	—	—	1
Manslaughter	2	—	—	—	—	—	—	—	—	—	2
Assault to Ravish	2	—	2	—	—	—	—	—	—	—	4
Bigamy	2	—	—	—	—	—	—	—	—	—	2
Night-poaching, armed, and Assaulting Keepers	7	1	—	—	—	—	1	—	2	—	11
Killing Cattle	—	—	—	1	—	—	—	—	—	—	1
Perjury	—	2	—	—	—	—	—	—	—	—	2
Total of grave offences	80	49	37	8	—	4	4	6	4	—	192
Felony undefined	64	30	31	3	2	1	3	5	4	—	143
Larceny	51	20	13	7	—	—	4	5	2	1	103
Theft	14	13	2	1	1	—	—	1	—	—	32
Embezzlement	7	2	—	—	—	1	—	—	—	—	10
Obtaining Money under False Pretences	1	—	—	—	—	—	—	—	1	—	2
Receiving Stolen Property	9	—	3	1	—	—	—	—	1	—	14
Post-office Robberies	1	—	—	—	—	—	—	—	—	—	1
Misdemeanors	2	1	—	—	—	—	—	—	—	—	3
Total of less grave offences	149	66	49	12	3	2	7	11	8	1	308
Totals	229	115	86	20	3	6	11	17	12	1	500

It is difficult to determine which class of crimes in the above Table can be regarded otherwise than as grave, when the circumstances connected with each particular case were considered to deserve transportation. In the division which is made, those included under the first bracket are characterised by *violence*, with the exception of seventeen cases of forgery, coining, and bigamy, which must be considered as most grave crimes on special grounds. If this division is accepted as correct, then we have in this Table specific returns, showing the deeply important fact, that of prisoners convicted of very grave offences, five-twelfths were, after having been subjected to the original discipline, judged worthy of conditional pardons; while the reports of Dr. Hampton and of the colonists, show with equal certainty that those pardons were merited. It is also to be observed that, *in addition to this proportion of exiles, about one-fourth of those convicted of the gravest offences obtained tickets-of-leave*, which is the highest class now awarded to the convicts whose conduct is most exemplary. And these results are the more satisfactory, since, under the careful system of classification which then prevailed, increased evidence of reformation was required in the cases of these prisoners, to outweigh the unfavourable presumption raised by the nature of their crimes.

The following Table will exhibit the corresponding comparison of the classification, on moral grounds, of those who had, and of those who had not, been previously convicted among the first 500 prisoners:—

**TABLE showing the Classification of those who had, and of those who had not, been previously convicted or imprisoned among the first 500 Prisoners.**

Criminal Character.	Classification on Moral Grounds.				Special Causes of Removal.						Totals.
	Exiles.	Ticket-of-leave Holders.	Probation-pass holders.	Incorrigible & unimproved.	Free Pardons.	Deaths.	Medical Pardons.	Medical Removals.	Insane.	Superior Education.	
Previously convicted	25	10	20	9	3	1	2	1	2	—	73
Not known to have been previously convicted	204	105	66	11	9	5	9	16	1	1	427
Totals	229	115	86	20	12	6	11	17	3	1	500

It will be remarked that, among these prisoners, the proportion known to have been previously convicted was small. But it is also to be observed, that the results obtained with that proportion did not very widely differ from those obtained with the rest. Of those previously convicted, conditional pardons, the highest token of reformation, were obtained by rather *more than one-third*; while of those not previously convicted, they were obtained by rather *less than half*. If the ticket-of-leave holders are added to the exiles, these two favourable classes together constitute one-half of those known to have been previously convicted. It is also important to observe, that the number removed as incorrigible or unimproved, although bearing a larger proportion to the entire number in one class than in the other, was not great in either class. Moreover, it must be remembered that the classification indicated, not so much the amount of reformation actually effected, as the degree

of confidence reposed in it. At that time, however, considerable caution was observed in reposing that confidence, especially in recommending any prisoner for the class of exiles. Previous convictions were therefore justly allowed a degree of weight as presumptive evidence against prisoners; and the remarkable testimony of Dr. Hampton is conclusive evidence, that considerable moral improvement had taken place among the whole body of the prisoners, and that it was by no means limited to the exiles, although that class elicited his special approbation. It cannot, therefore, be deduced from these results, that the success of the original system *depended* upon the exclusion of a larger proportion of prisoners previously convicted.\* The conclusion which these results do sustain is, that under a rigorous and efficient administration of the separate system, reformation is hopeful to a considerable extent among a large proportion of convicts. This is the encouraging and important inference.

Results, subsequently obtained, were such as to

\* One case occurred among these 500 prisoners which will illustrate the error of the opinion, that no great amelioration was effected among those previously convicted. A prisoner was convicted of larceny; it was not known that he had been previously imprisoned, and he was sentenced to seven years transportation. It was ascertained, however, that this man had been a *professional housebreaker for years*, and that he had *not only broken into houses, but that he had broken out of more than one prison*. The moral change produced by Divine grace in this man was considered, by all who knew him, to be remarkable. But he is included among the 427 not known to have been previously convicted; and he received only a ticket-of-leave.

corroborate this conclusion. The next 1000 prisoners included a very much larger proportion of the previously convicted. It must be admitted, that experience of the effect of the system upon these 1000 prisoners, was sufficient to prove, what indeed might have been anticipated—that the reformation of those who were older and more hardened in crime was a work of greater difficulty than the reformation of those who were less hardened. The amount of thorough reformation effected among these prisoners was certainly not so great in proportion as among the first 500; but still, there was an extensive amelioration, and many were decidedly reformed. It is much to be regretted that, in consequence of the classification of the more recent prisoners not having been equally scrupulous, we cannot obtain accurate evidence as to the amount of their reformation. The fact, however, is not unimportant that, among these thousand prisoners, with a very much larger proportion previously convicted, conditional pardons were awarded to very nearly ninety in every hundred embarked.

This fact alone is sufficient evidence, that in the opinion of all parties personally cognisant of the actual results of the original system, reformation was still *extensive* among these thousand prisoners. The classification, however, by which so large a proportion of the prisoners received conditional pardons, continued down to the period at which the changes were introduced into the system. The great decrease of reformation, which became so marked immediately after these changes, cannot therefore be accounted

for by any difference in the criminal character of the prisoners. For, although the prisoners, at the time of those changes in the system, included a larger proportion of the previously convicted than at first, there was no great difference between their criminal character and the criminal character of those who had immediately preceded them. Nor, indeed, had the practice of selecting them expressly for Pentonville been abandoned in the case of those prisoners whose conduct, during their association before removal, presented so painful a contrast to the conduct of the early prisoners. It was in 1849 that those removals took place; but the prisoners removed in 1849 had been admitted in 1848, or in the spring of the same year; and until this period, all prisoners admitted to Pentonville were still selected at Millbank, by the Inspector of Prisons for the Home District. At this period, although the proportion of old offenders was greater than formerly, still these formed only a portion of the prisoners; and such characters had been admitted from the first. Deterioration, therefore, in the criminal character of the prisoners will not account for the deterioration in the moral results. The selection of the prisoners on admission had not been discontinued in the case of those who were first removed under the altered system; and reformation, after the changes in the system, not only decreased among the gravest offenders, but also among those not guilty of the graver forms of crime, and not previously convicted. The prison still continued to receive a considerable number of prisoners, not differing in



their criminal character from the first prisoners; and, under the altered discipline, these, as well as others, exhibited a great decrease of reformation.

Towards the close of 1849, however, an important change took place in the assignment of prisoners to Pentonville. The lightness of their crimes, and hopefulness of reformation, were no longer made the grounds of their selection; all classes of convicts were admitted without distinction; in some cases prisoners were selected for this prison on account of the gravity of their crimes, the length of their sentences, and some because they were found hopelessly incorrigible at other convict establishments. After this change the prison became characterised by worse than an absence of reformation. For this change as to the criminal character of the prisoners took place concurrently with the changes in the system. Men guilty of most atrocious crimes, habituated to all the villany practised at the hulks and worst prisons in England, and in many cases as ungovernable as they were depraved, were selected for Pentonville at the same time that the discipline was relaxed, the term reduced, and the amount of moral instruction diminished. It is certainly cause for astonishment that upon such men, under such conditions, the discipline, for the short time that they remained subject to it, had some effect. Reformation was scarcely to be hoped for; but many were somewhat subdued. A remarkable example of the efficiency of the system, as compared with associated imprisonment, occurred in the case of about forty of the worst prisoners from

the hulks. At Pentonville these men conducted themselves comparatively well. After *three months* of separation they were removed to the associated prison at Portland. There, within three days, they mutinied, were flogged under a military guard, and were then returned to Pentonville for a further term of separation. Notwithstanding the exasperation produced upon bad men by these circumstances, they again conducted themselves, on the whole, well, until they were transported to Norfolk Island. Such indications of the powerful influence of seclusion, even where the system has been defective, would encourage the experiment of subjecting the most heinous offenders to prolonged terms of a rigorous and effective discipline.

It certainly would have been a deeply interesting experiment, if the very worst classes of felons had been subjected to the *original system*, with its rigorous seclusion and protracted term. It would in all probability have been a more successful experiment, if in proportion to the increased criminality of the prisoners, increased precautions had been used to render the discipline effective ; if the term of imprisonment had been prolonged to two or three years ; and if special measures had been employed for their moral instruction. The results actually obtained at Pentonville appear to justify the hope that by such a course, crime in its worst forms, and in a considerable number of cases, might have been successfully encountered.

Between the moral results produced upon the very

worst class and those produced among the early prisoners, no comparison can be fairly drawn. But I have already stated that the recent prisoners have not all been of this excessively depraved character ; and that a large proportion of them has not differed from those first admitted. In their cases the comparison may be correctly instituted, and from such a comparison the conclusion is indisputable, that there has been a deterioration in the moral results, proportional to the infringements upon the system.

So long as our attention is limited to this prison it is painful to contemplate the change. Disastrous, however, as these immediate results have been, it may be hoped that an indirect and important advantage will accrue from them. The truthfulness of the evidence to the unparalleled success of the early discipline derives strong confirmation from the contrast. When, under an altered system, the indications of reformation, which were so extensive at first, have to a considerable extent disappeared, increased weight will attach to that early evidence. The original system has now been subjected to the *double test*, and its efficacy attested by a *twofold proof* : when carried out in its integrity, the success of that system was unparalleled ; its distinctive characteristics were withdrawn, and that remarkable success disappeared. And since both those early indications of extensive reformation, and those later indications of decreased reformation, were *precisely such as previous reasoning had deduced*, the credibility of the whole of the evidence is raised to a point which it is hardly

possible to exceed. There may be some compensation for the temporary loss of reformation, in proof so clear and strong, that if crime, in its graver forms, is to be successfully combated by the corrective influence of the prison, it is by the original Pentonville system, carried out in its integrity, that such a consummation is to be achieved.

Under the influence of these considerations I propose to investigate, somewhat more closely, the causes of those altered moral results. I enter upon the inquiry with confidence that its importance will be my justification. The extent to which crime has grown, its menacing attitude, the political embarrassment in disposing of our convicts, the general attention which is being directed to the subject preparatory to some general movement, the concurrence of leading statesmen and of Committees of both Houses of Parliament in the conclusion that separate imprisonment is the system most effective both for punishment and for reformation,—all appear to render the investigation a momentous duty ; and I cannot, therefore, but hope for indulgence in an attempt, however feeble, to throw light upon the methods for administering with the greatest efficiency that system upon which the Country, it appears, will have mainly to rely in dealing with the masses of her criminals.

## SECTION II.

*Of the Changes in the System, and their Effects.*

I HAVE already enumerated the principal changes introduced into the system pursued at Pentonville. It will be necessary to describe them more fully, in order to trace their effects. I regret the impossibility of even describing those changes without appearing to criticise the recent management of this prison ; but the description is indispensable to elucidate the distinctive differences between a successful and an unsuccessful discipline.

1. At first, *separation was rigidly enforced*. The isolation of the criminal from other criminals was the basis of the whole system ; therefore it was jealously guarded by all the precautions which long experience had proved indispensable to preclude its evasion. In the construction of the prison, numerous and skilful contrivances were employed in order that the isolation of the cell, of the chapel, of the school, and of the exercising ground, might be preserved inviolate, while, at the same time, the claims of a common humanity were recognised and satisfied. To prevent the violation of this fundamental principle, prisoners were prohibited from performing, about the prison, services

which afford facilities for communicating with each other "on the sly;" of any chance of which it is notorious that they avail themselves with surprising ingenuity. On no pretence whatever was one prisoner thrown into contact with another, until within a few days of embarkation. The well-known wilfulness and the cleverness of prisoners in evading the rules which prohibit intercourse were wisely met by the appointment of an adequate, well-paid, and trustworthy staff of officers,—the only measure by which an effective administration of discipline, under any system, can be insured. The corruption of officers by prisoners, and improper communications between officer and prisoner,—evils scarcely less mischievous than the intercourse of one prisoner with another,—were scrupulously guarded against. If a subordinate officer remained in a prisoner's cell beyond the passing minute required for the discharge of an admitted duty, he subjected himself to suspicion, and, if the practice was repeated, to severe penalties.

And these precautions were successful. With rare exceptions, the subordinate officers were actuated by a unanimous desire to give effect to the known views of the governing body. They considered their situations too good to be risked; and if they were inclined to deviate, they were kept in check by a sufficient number of superior warders. The result was a discipline rigorous and effective. Interdicted communications were promptly detected and suppressed; and officers were rarely guilty of participating in violations of the discipline. The few abuses of this kind which

did occur, only proved that there had been no excess of caution ; that increased experience was required completely to suppress the evil ; and that any relaxation in the rules, or in their enforcement, would result in an increase of abuses.

Nevertheless, each one of those early precautions has been dispensed with. Ten per cent. of the prisoners are now associated in the general service of the prison, and are variously employed, in parties ranging from two to twenty. At the same time, the staff of officers has been too much reduced in numbers to allow of sufficient time and vigilance for enforcing the discipline with its original stringency. The result of these changes has been an extensive relaxation of the rigour of separation. From the prisoners in the cells, the pressure of a rigorous supervision was no sooner withdrawn than, true to nature and to habit, they commenced, by their accustomed methods, increased communications. With the prisoners placed in association the separate system is avowedly abandoned.

2. *The term of imprisonment at Pentonville was originally eighteen months.* Before that time, however, had been completed by a sufficient number for embarkation, those first on the list had undergone about two years' imprisonment. In 1848, the term was first curtailed to fifteen months. In 1849, the reduction was carried further, and twelve months was fixed upon as the maximum period of separation ; the time spent at Millbank, before removal to Pentonville, being included as part of that reduced term. If prisoners

could not be removed at the appointed period, they were placed in association at Pentonville, and worked together in parties of fifty or a hundred, for one, two, and nearly three months, during which time they were allowed unrestricted intercourse.

The practical results of these successive regulations have been, that the average term of imprisonment for all prisoners removed in the ordinary way was, during the first five years, about nineteen months ; during 1848, about sixteen months ; and during 1849 and 1850, between eight and nine months, inclusive, in many cases, of a period of protracted association previous to removal.

3. I advert to the question of *education*, in order to exhibit, as far as may be, a complete view of the experiment. It is also important to trace this moral element of the system, for this reason also, because it will be found that the amount of instruction has, probably, no inconsiderable influence in the preservation of mental health.

One schoolmaster for about 100 prisoners was the proportion originally allowed : afterwards it was reduced to one for 150. If the time of the masters had been wholly devoted to education, this reduced number would have been sufficient. But a very large portion of their time has always been consumed in duties not directly or not at all connected with instruction : such as writing letters, keeping records, &c. With these drawbacks, little more than half the time of the three masters was given directly to the instruction of 450 or 500 depraved, and, for the



most part, ignorant men. After the reduction of the term of imprisonment, this number became inadequate. In consequence of the more rapid transmission of prisoners, a much greater portion of the masters' time was diverted to those other duties, and very little more than the time of one master was employed in direct instruction. At the same time, and from the same cause, the prison has recently contained a much larger number of the very ignorant ; and consequently, a much larger portion of the school instruction has been expended upon the mechanical, as distinguished from the moral part of education. Other causes have contributed to the same result. Thus, the educational arm of the original system has been partially paralyzed, and one most important element of reformation impaired.

4. The introduction of *the second stage of punishment* has effected a great change in the *prospects* of the prisoners. Originally the prisoner was transported directly from the separate prison to the colony, where he would be removed, as far as practicable, from his former companions in crime, and where he had a reasonable prospect of earning an honest living. At that time, everything was done that could be done, first, by the severity and reformatory influence of the system, to induce him to reform ; and then to secure to him the fruits of reformation. Under the existing arrangements, the prisoners are removed from the separate discipline to the hulks or other public works, there to undergo an intermediate imprisonment, in the society of other criminals, often old associates, for terms rang-

ing, according to the length of the sentence, from one year to five, and even to ten years. When that second stage of punishment is past, they are to be transported with tickets of leave; but in the present attitude of the colonies it would be unjustifiable to betray the desponding and confiding convict into any sanguine hopes of well-doing from that remote indulgence. Thus, while at first the prospects of the convict were definite, and, within reasonable limits, encouraging to reformation, now, the hope which formerly sustained him under contrition, and stimulated him to better resolutions, is rendered uncertain and remote.

Such have been the infringements upon the integrity of the original system. Their expediency upon the grounds of health and economy will be subsequently investigated; our first inquiry is as to the moral results.

Practical men, and men of science, who had fully examined the question, had allowed that the details of the Pentonville system as at first established were soundly deduced from unquestioned laws of our moral nature, combined with the experience of half a century. There was, therefore, a very strong probability that any departure from that system, whether from the severity of its penal element, or from the efficiency of its direct reformatory agency, would be attended by a deterioration in its moral results. That the introduction of the alterations described has been followed by a great decrease of reformation is a matter of fact, which has been already shown. It is much to have established the previous probability as a certain conclusion,

by actual experiment. But since the evidence of these results rests upon personal testimony, it may be well to corroborate the correctness of that testimony by an inquiry into the principles involved in the successful and in the unsuccessful systems of discipline. Such an inquiry is desirable on another ground. If Pentonville alone were affected, the facts *adduced* might be sufficient ; but the experience obtained at a *model* prison is chiefly valuable to guide and to warn in the general administration of prison discipline ; and practical measures based upon particular results will be acted upon with greater confidence, when the general laws of which those results are the effects can be clearly ascertained and established. There is reason to believe that in many prisons in which the separate system is nominally in force, the discipline is extensively evaded by interdicted communications. The different effects, also, of a longer and of a shorter term of separate confinement, and of the different degrees of hope inspired during imprisonment, by the prospects of the prisoner upon removal, are questions of general interest. I shall therefore submit the conclusions upon these questions, to which I have been conducted during a personal observation of the working of the two modifications of the discipline at this prison. The exact nature of those recondite moral influences by which the two systems of discipline have produced such different effects, may admit of difference of opinion. I offer my views upon that question with distrust of my own ability as a reasoner ; but I feel much confidence in the completeness

of the data,—in the collection of which no pains have been spared; and I have less hesitation as to the correctness of my conclusions, when I consider that they coincide with those of the founders of the separate system, and with the unaltered views of the most experienced members of the late board.\*

I. *Of rigid and of lax separation.*

The comparative merits of a rigid and of a lax separation (as of all modifications of prison discipline), must be tested by their bearings upon the penal and the reformatory elements.

Now the penal effect of imprisonment, under whatever system, is derived mainly from the *privations* which it involves. And certainly, a rigorous seclusion is an extreme privation. We all know the pertinacity with which man clings to his fellow-man. In the cell of the criminal, moreover, his privations are aggravated by REFLECTION, by bitter recollections and anticipations. Any break in that dreary isolation must be a considerable alleviation. The pains and the risks incurred for the purpose of obtaining it, prove how great is the relief which such a break affords; even though the coveted intercourse amounts only to the mere mimicry of companionship—a slip of paper, a whisper, or a signal.† But interdicted communications operate

\* In confirmation of this statement I may refer to a pamphlet (not published) dated January, 1851, and bearing the signatures of B. C. Brodie, and R. Ferguson.—*See Appendix*, No. IV.

† The ingenious methods by which the discipline may be evaded and the relief which such communications afford, are exemplified in the tale of Alexander Andrayne, published by Messrs. Chambers in their *Miscellany*, Vol. XI.—*See Appendix*, No. V.

most injuriously against the reformatory influence. I am aware that a different opinion will be entertained by some :—it will be thought that no harm can accrue from a signal, a word, or a *knock*. But from what I have witnessed at Pentonville, I am satisfied that such violations of the discipline do obstruct reformation. It has happened more than once, that when the altered or unsatisfactory state of the prisoner's mind has led me to suspect such practices, these suspicions have been verified.

In truth, every argument for the separate system is an argument for total isolation. When prisoners are able to evade the separate discipline, their communications, though apparently trivial, are frequently most vicious and contaminating ; and even when harmless in themselves, their effects are indirectly injurious. By contrivances for success and impunity ; by the anticipation of the prohibited pleasure ; by the train of thought which they originate ; by the dread of detection, these communications pre-occupy the mind and heart, to the exclusion of reproof and penitence. They foster cunning and dissimulation,—vices characteristic of the criminal, and of which it is most needful, but most difficult, to divest him. They are in all cases a studied violation of known duty ; and there can be small hope of inducing acquiescence in the justice of the punishment, in order to repentance, and amendment for the future, so long as the man is risking every remaining hope by the perpetration of a present offence.

But these communications exert their most potent

influence for evil, by the revival of demoralizing and criminal ideas. The depraved passions and lawless aims which possess the habitual criminal are "legion." It is the singular merit of separate imprisonment, that it breaks off, so far as it can be broken off by human agency, the former habit of thought and feeling. But by interdicted communications with fellow-prisoners, those old associations are revived. They play upon the soul like a galvanic battery of vice.

There is also another influence, by which these violations of the discipline counteract its beneficial effects. The success of our efforts to reform will depend, in a great degree, upon the attitude of the prisoner's mind. Habitual criminals, with few exceptions, enter the prison in an attitude of moral resistance. They encounter religious or moral reproof, as all bad men encounter it, with a feeling of aversion. They know that you mean to reform them if you can; they mean not to be reformed if they can help it. Few things tend more effectually to keep up that moral resistance than a studied evasion of the prison rules. It is true that habitual and hardened offenders constitute only a portion of prisoners; but they are a numerous class. And even when the moral condition of the criminal does not amount to positive antagonism to reformation, or when a sudden and severe punishment may have repressed for a time the resistance of the will, still the feeling of submission will long remain defective. Insubordination is of the very essence of criminality: and this moral resistance will not be completely brought under, until the prisoner is thoroughly

reformed. One end to be aimed at in dealing out punishment, is to impress the prisoner with the conviction that there is over him an irresistible power. The deterring efficacy of punishment depends in a great degree upon its producing this impression. The most direct mode of subjugating one stubborn volition, is to induce the action of a stronger. Hence the error of those who deny the value of the penal element of prison discipline, and rely exclusively upon directly reformatory agencies. And hence, also, one fundamental error of those theories which aim at repressing criminal propensities solely by industrial training, under artificial stimulants. The punishment, consequently, will do its work or fail, according as it does or does not produce a conviction, clear and lasting, that there is in the government of the country a power which can and will inflict whatever amount of punishment may be necessary for enforcing obedience to its laws ; that successful resistance is impossible, and the attempt to resist, madness.

The importance of insuring this impression by a penal discipline, was not overlooked by the authors of the Pentonville system ; and one of their chief arguments for the isolation of the cell, was the consideration, that, of all methods of imprisonment, this is the most effective for producing the moral impression which I have described.

But every violation of the discipline is directly counteractive of this influence. In the chapel, indeed, in the school, at exercise, and even in the cell, the discipline *may* be evaded. Still, the separate cell renders

the complete, or almost complete, suppression of interdicted communications *practicable*, provided only that the requisite supervision be exercised by a sufficient staff of trustworthy officers.\* But unless this condition be complied with, the architectural contrivances of the prison will be nugatory, and the boasted virtue of the system a delusion.

The association of prisoners in the service of the prison must operate injuriously; or else the whole system of separation is erroneous. Such a relaxation of the discipline is a direct mitigation of punishment, or equivalent to a considerable *reduction of the term of imprisonment*. The prisoners in association at Pentonville have repeatedly admitted this to me. A return to the ordinary discipline of the cell, is compared by them to a new sentence. That such must be the effect is obvious. The position of a prisoner at work in society like an ordinary tradesman or labourer—baking, or cooking, or cleaning, or brick-laying—differs but slightly, for the time, from that of the prison-servant who is working beside him. The

\* Upon this important question I have the satisfaction to find that my experience is in accordance with the opinion of the Duke of Richmond, as stated by his Grace in the evidence given by him before the recent Committee of the House of Commons. In reply to a question which very clearly related to the reduction of the staff at Pentonville, his Grace is reported to have said,—“I think that it is very important that there should be a good staff in every prison in this country. Indeed, I think that that is one of the main questions, because you must not only have a real supervision, but you must have good men; therefore I do not think they ought to be paid too little, or to be *too hard worked*.”—See *Minutes of Evidence*, Question 8235.



want of wages, and the return to the cell for the hours of sleep, are to a great extent forgotten in the occupation of work, and in the excitement produced by escape from a more severe punishment.

And on this account, also, the association of prisoners in the general service of the prison, has proved an obstacle to reformation. Judicious punishment, when severely felt, has a powerful tendency to predispose for the reception of moral influence ; if, therefore, the efficiency of the punishment is impaired, reformation must be diminished.

But these interruptions of the separation are attended by moral results which are directly injurious. Such a selection of the prisoners to be associated as shall preclude those consequences, is virtually impracticable. It may be stipulated that none shall be selected but those whose cases present lighter forms of crime, few previous convictions, good conduct in prison, and, in short, the appearance of reformation. But when a considerable amount of every-day labour is systematically thrown upon prisoners, as the work must be done, prisoners must be selected who can do it. Some steady and even reformed men may be found ; but it is impossible to rely upon a succession of trustworthy felons. And even when prisoners are well-disposed, incipient reformation will be exposed to the greatest hazard from association with other criminals. In truth, the evil is rather increased by the selection of the better-disposed prisoners ; since the efficiency of the discipline is thereby most impaired precisely in those cases in which reformation would

otherwise be most hopeful. There is the double danger of the employment of prisoners who will either corrupt or be corrupted. And then all the evils reappear which the separate system was expressly designed to remove. Such at least have been the results of association at Pentonville.

There is a strong pressure upon prisoners in association to conceal the evil doings of their companions; nevertheless, after the return to the system of association, and the reduction of the staff at Pentonville, abuses of the usual character were soon found to have commenced. All was done in the administration that could have been done to prevent those abuses; but they are, on this account, the stronger evidence of the inherent error of employing prisoners in association. There is, in fact, no alternative between contamination and rigorous isolation.

## II. *Of the Term of Separation.*

That a reduction in the term of imprisonment at Pentonville, when our view is limited to that prison, has been a mitigation of that part of the convict's punishment, is self-evident. But it is not an unimportant question, whether in the effects of the protracted and of the reduced term, under this most severe and most reformatory discipline, there be not a difference in kind as well as in amount. Both from independent reasoning and from observation, it appears to me that there is such a difference.

Take the class of habitual or hardened criminals, the class with which our main difficulty lies. In the majority of cases, such men, as I have already

observed, enter upon their imprisonment in a spirit of dogged endurance, prepared not to give in, but to "do their time," as their phrase is,—“to put it in;” and this stiffnecked perverseness will often be most resolute when it is least betrayed. Some will hold out through any length of any kind of punishment: many, however, will yield with time, provided the punishment be adapted to subduing them. The separate cell is of all modes of punishment the most potent for *exhausting* that antagonistic spirit of endurance. By some even this system of imprisonment will be borne long; to many it will be excessively irksome at first;—they will then become somewhat habituated to it; but in a third period, a feeling of weariness will supervene; and towards the close of a sufficiently protracted term, the punishment will, in a large proportion of cases, tell with great effect: the power of endurance will have been expended, and the stubborn will bent or broken. And then the punishment will have done its work. But for an extensive development of this *exhaustive* power, for the great bulk of hardened offenders, nine or twelve months are not sufficient. This is proved by the results at Pentonville.

Again, take the class of criminals upon whom some early impression may be produced. If the felons' doom is a degradation, with which they are as yet unfamiliar, and at which they are therefore horror-stricken; if, from the weakness of the criminal passion or habit, or of external temptations, they are feebly propelled to crime, then this short but severe shock

may be enough. This class of prisoners, however, is that to which short imprisonments are usually adjudged. Among convicts sentenced to transportation, such cases, unless the sentence is unjust, must be exceptional. But wherever there is the strong propensity or the strength of habit, or when moral and social restraints are feeble, as will very generally be the case with the convict, the good impression that is quickly formed will prove illusory. It is but the counterpart of a sick-bed repentance, the common type of unstable resolution. Even such impressions, however, are no unimportant gain. Those workings of the inner man will not all be fruitless; and, if they are followed up by a sufficiently prolonged term of the same effective discipline, their early development is an invaluable result. But for those early impressions to expand and deepen into a principle of action, or a permanent habit of feeling,—whether in the seclusion of the cell, or under the corrective influence of adversity in the world at large,—time is indispensable.

Between an enduring and an unstable repentance induced by punishment, there is a difference IN KIND. In the one case, the will decides upon an imagined course of action, being actuated by transient and imaginary motives; in the other case, the will itself appears to be put in abeyance, and to yield to the mastery of feelings fixed upon the side of virtue, by impressions painful and indelible. When this condition is attained, the question of criminal compliance is not entertained; there is no room for renewed deliberation; the necessity for resistance is a fore-gone

conclusion. The moral effect upon a man rendered permanently honest by *punishment*, is not fully embodied in the resolution, "Crime is what I *will* not do," but in the feeling, "The punishment of crime is what I *cannot* bear."

In the absence of perfect moral *rectitude*, the only security against crime is this dread of consequences. The Divine Master of the human heart has not disdained to deter from vice by the revelation of the impassable gulf and the unquenchable fire. With the imprisoned criminal, in default of higher motives, the repression of the lawless passion is aimed at by the severity of penal inflictions, and of that severity duration will be a most influential element ; only the discipline which constitutes the punishment, while lasting, must be *effective*.

It is by experience alone, as the proverb tells, that fools will learn wisdom ; and where folly is excessive, as with the criminal, the amount of experience must be in proportion. In ordinary life, it is by a repetition of misadventures, in the absence of heavy calamities, that the wayward and the weak-minded are schooled into prudence ; therefore, with the convict whose crimes have merited transportation, the discipline must be long, in order that the impression may be lasting. A rigid system of separation being that kind of punishment which is generally most dreaded by criminals, allows the minimum period of discipline ; still, however, there is a limit within which the effects of this discipline will be evanescent.

In tracing the different effects of a longer and of

a shorter time of separate confinement upon the *reformatory* influence of the discipline, a similar distinction may be drawn between the amount and the kind of the effect. Where there is any alienation of the heart from piety and virtue, a protracted term may be divided into two, and, with some prisoners, into three periods. First, with many there will be a time of ignorance or indifference, and with some of antagonism. Then will follow a period of attention, of interest, of acquirement. It is in a third period that a practical and personal application may be made with the greatest effect of the knowledge already acquired. The commencement of this phase in the moral character may by some be mistaken for reformation accomplished; it is in truth only its beginning: it will be from the complete development of this influence, that the character will receive the lasting impress of virtue.

The truth of this rule will not be overthrown by extraordinary religious results, produced by pre-eminent ministerial qualifications. An average and attainable standard must be adopted as the basis of general regulations. Besides, however much may be effected by the most successful minister in nine months, or in twelve months, much more might be effected by him in eighteen. In different schools and congregations, the amount of good effected will be varied; and success will in these cases be ascribed by the devout believer to the gracious benediction of the Almighty. The extent of religious conversion is contingent upon the same influence in a prison. But extraordinary results of this character

do in no degree exonerate man from complying, to the utmost of his power, with those laws which the Creator has established for the ordinary moral government of mankind. Even in purely spiritual things, and much more in moral, man's efforts must be proportioned to his aims. In truth, a penal system ought to take cognizance of religious results only so far as they subserve the ends of social virtue, or may be attained collaterally with reformation. In measuring out human punishment, both the offence and the offender must be dealt with as distinct from sin and the Divine judgments upon the sinner ; and legal inflictions cannot be restricted by extraordinary displays of the Divine clemency. Society, in coercing its criminals, must adapt its measures to the laws of man's *moral* constitution. But to aim at extensive and permanent reformation among transported convicts, by moral means in a *short* time, is to act in contradiction to all the laws of human nature.

It is most important to bear in mind, that with habitual offenders there is, from the very fact of the habit, a superinduced, and therefore double depravity. He is *accustomed* to do evil. If ever a moral revolution is to be effected in the character of such men, there must be time allowed for its completion. Their heads and hearts are filled with licentious ideas and criminal passions. These springs of crime must be dried up by degrees. There must be continued cessation from doing evil before the excessive action of those vicious propensities will subside, and those deep traces of habitual indulgence be obliterated.

And when this negative reformation is effected, but half our work is done. There must be the infusion of virtuous principles; and when the transgressor has ceased to do evil, he must learn to do well. If an enduring change is to be effected in the lives of bad men by moral means, it must be by frequent inculcation, by continued reflection, and after repeated internal struggles, that the rules and the sanctions of virtue will acquire their hold upon the affections and the mastery of the will. And however true it may be, that under the Divine influence of our holy religion, the *bent* of the heart may on a sudden be changed, yet it is not less important for the full development of even religious influence, that the sublime mysteries of the kingdom of heaven should, in order to produce a permanent effect, distil gently, and be thoroughly absorbed into the soul.\* How much time is necessary for effecting these results among the criminal classes, if effected at all, can be decided only by *experience*. The results at Pentonville, if that prison be adopted as an average standard, are evidence that among transported convicts, not of the most depraved class, very much may be effected in eighteen months or two years; but that nine or even twelve months *are not sufficient* for the full development of either the penal or the reformatory influence of the system.

It has been by the results at Pentonville that I have been conduced to these conclusions. I entered upon my duties there after the first 500 prisoners had completed

\* This is the more necessary when men have grown up in *ignorance* of religion, as well as uninfluenced by it.



from twelve to eighteen months in their cells. Time will not soon efface from my memory the susceptibility of moral influence which characterised a very large proportion of them. With the prisoners subsequently admitted, the result has been similar. It was always as the original term of imprisonment ran on, and with the more depraved, *chiefly towards its close*, that these transgressors of the law of God and man, have one by one yielded to the correction of the place, to the upbraiding and reviving power of conscience, to the humanizing influence of sympathy, to the force of truth, and to the constraining power of the gospel.

The prison records supply a striking proof of the correctness of these observations.

The following Table will disclose the moral effect of the more protracted term, by the remarkable decrease of offences against the discipline of the prison, and of prison punishments, after the prisoner had passed nine or twelve months under the original discipline. This Table exhibits the corresponding numbers of reports and punishments during the years 1844 and 1850.

On the first of January, 1844, the prison contained 501 prisoners, of whom nearly 400 had at that date completed terms at Pentonville, exceeding six and ranging to twelve months ; the remaining 100 had been in the prison from three to six months.

It was not until the 29th of November that these prisoners were removed, a very small number excepted ; so that for ten months during that year the prison contained very few but old prisoners, who had completed above nine or twelve months' im-

prisonment under the original discipline. During the year 1850, the average term completed by the prisoners, *on removal*, very slightly exceeded eight months. The prison was therefore filled during that whole year with prisoners who had undergone less than eight or nine months of the discipline. The numbers of the prison offences reported and punished during those years were :—

Years.	Daily Average of Prisoners.	Number of Offences reported.	Number of Prisoners punished.	Number of Punishments.
1844	456	82	69	82
1850	499 ~	368	227*	310

What renders this return more striking is, that of those 69 prisoners, the whole number punished during 1844, out of 500 prisoners and upwards, 40 *were among the 100 prisoners last admitted*, and only 29 were reported among the 400 who were undergoing the latter part of the protracted term.

It ought to be taken into account, that during 1844 the staff of officers was much more numerous than in 1850 ; and consequently the number of offences *not detected* in 1850 was very much larger than in 1844. I am satisfied, from a variety of evidence, that, in 1850, communications have taken place, without detection, to a very great extent. These are results which afford strong evidence of the beneficial effect of the original term of eighteen months.

\* Fourteen prisoners were exempted from punishment, on special grounds. These fourteen are not included in the 227.

And these conclusions, I apprehend, will receive general assent. The permanent reformation of grave offenders must, I cannot doubt, be universally admitted to depend in no small degree upon a gradual and complete development of the influences, be they penal or be they moral, by which that change is effected.

A criminal career, pursued as it ever is, at the risk, and almost at the certainty, of infamy and ruin in this world, as well as in the next, may be taken as a tolerably sure indication of a moral organization feeble if not defective. With the criminal, therefore, under these conditions, the recollection of a terrible penalty already incurred is the sanction superadded by the law in aid of better motives. But it is not upon the effect of the punishment, or the instruction at the time of its administration, but upon an *effective recollection* of it in future, that the successful resistance to temptation will depend. And this result, which, so far as the prisoner himself is concerned, is our sole object in his punishment, will depend upon the vividness or vigour with which, at the critical hour of trial, the recollections of the by-gone lesson or penalty will recur. But the repeated inculcation of truth, continued reflection, and what has been described as the exhaustive power of protracted separation, are the only available means by which, as a general rule, depth and permanence of impression can be produced, and that vivid and vigorous recollection secured.

Thus the same conclusion is to be deduced from abstract reasoning, from the actual results at Penton-

ville, and from general experience. By every kind of evidence and of argument by which a contingent result can be attested, it is attested, that under the reduced term prisoners are removed from separation unreformed, who, if they were retained longer, might be reformed ; and that others are removed from a discipline allowed to be the most reformatory, at a time when reformation, if begun, can only be beginning. But when men once depraved as these have been, and now only imperfectly reclaimed, are thrown back among old and criminal associates, this defective reformation cannot but oftentimes be blasted under the withering blight of such companionship. The dispossessed habitation, left vacant, welcomes the returning demon.

### III. *Of Instruction.*

In a reformatory discipline, the part to be performed by instruction is twofold :—to impart knowledge, and to induce reflection.

Upon the importance of the first it would be superfluous to argue. That mankind are held to virtue in a great degree by knowledge of its rules and sanctions ; that ignorance of moral truth is therefore one extensive cause of crime ; and that instruction in virtue and religion is consequently one influential means of reforming criminals, are truths universally admitted. But it may not be so generally recognised that, to whatever extent crime may be attributable to the want of knowledge, it is still more largely attributable to the want of reflection. Whether criminals know

much or little, they all know more than they practise. And this discrepancy between knowledge and practice, arises chiefly from the want of reflection. Engaged with immediate results, the mind fails to realise remoter consequences, and the connexion of present error with future suffering.

This want of REFLECTION is pre-eminently the characteristic of the criminal. The habit is always wanting; often the capacity for it is defective. It ought therefore to be one chief aim in the instruction of a prison school, to develop this faculty and induce this habit.

At Pentonville the system of instruction is well adapted for the attainment of this object. The prisoners are assembled in classes of 50 or 100, and are collectively and catechetically taught; while the peculiar construction of the place in which the school is held, is such as to prevent them from seeing or holding intercourse with each other. Thus, by this method of instruction, a habit of reflection is cultivated, while at the same time the mind is exercised on subjects pre-eminently calculated to reform, being occupied both with lessons of worldly prudence, and with the saving doctrines of revelation. The exercise of the faculty of reflection upon these renovating truths is, of course, powerfully stimulated by the return of the prisoner to his cell.

To what extent it may be advisable to impart to prisoners any but moral and religious instruction, is a question upon which I do not offer an opinion. But since one end aimed at in the infliction of punishment is to induce offenders to desist from crime by the

fear of its penalties, certainly instruction, which aids reason in recognised crime and punishment in their relations of cause and effect, must be calculated to render penal inflictions more effective. This kind of instruction is pre-eminently adapted to induce those processes of thought and feeling, by which the present perception of suffering passes into a lasting principle of action. At the same time, instruction in the sublime truths of religion will supply the highest motives to virtue.

It is evident that a diminution of such instruction must have resulted in a decrease of reformation.

*4. Of the moral effect produced during separation by the prospect of protracted associated employment upon the Public Works.*

The limitation of the term of separate confinement to twelve months leaves that mode of imprisonment so manifestly inadequate as a punishment for all the graver forms of crime, that a period of imprisonment in association at the Public Works is added, after the removal of the convict from the cell. And this mode of imprisonment is so much less severe than continued isolation, that, in order to render it an equivalent punishment, its duration is doubled or quadrupled. But this addition of associated imprisonment, instead of compensating for the reduction of the term of separate confinement, in reality increases the evil. For not only is much reformation prevented, or left unstable, by the removal of the prisoner from the cell precisely at the point when most good may be effected,

but, by a protracted employment in association with other criminals, the reformation which has been effected is in many cases destroyed : and the more the imprisonment under this congregated system is prolonged, the greater will be the extent of the demoralization.

But the contamination which is engendered by this protracted association of criminals, is not the only injurious effect of that second stage of convict discipline. Even the anticipation of it, while the prisoner is undergoing the reformatory discipline of the cell, has a tendency to repress reformation. The late Committee of the House of Commons, concurring with some of the most experienced witnesses, was of opinion that "a great majority of prisoners" are open to the same motives and impulses which actuate other human beings.\* But if they are, it is certain that their moral susceptibilities must be affected by their prospects ; and the anticipation of protracted imprisonment in the society of other criminals cannot but exert a baneful influence.

There is no single condition which, in the apprehension of both the criminal himself and of all wise men, will so much facilitate his return to a virtuous course of life, as removal from the companionship of old associates in crime. On the other hand, to

\* I apprehend that this admission is only that they are open to influence from the same *kind* of motives, not, in all cases, in the same *degree*. The resolution concludes :—"and therefore that a system of encouragement to good conduct, and endeavours to inspire feelings of self-respect, self-reliance, and HOPEFULNESS FOR THE FUTURE, . . . ought to be adopted . . . ."

persevere in virtuous living, amidst the taunts, and seductions, and revived friendship of those old associates, is, though not impossible, at least regarded as impossible by him. And in very truth, it is only possible, because with God nothing can be impossible. But when prisoners are themselves aware of the extreme difficulty of remaining virtuous after they are thrown back into such association, certainly the effort to become virtuous is discouraged by the anticipation.

Moreover, upon the prisoner in separate confinement special means are brought to bear for the purpose of inducing him to reform. The success of those efforts will depend, in a measure, upon the concentration of his thoughts upon the instruction which he receives, and the punishment which he is undergoing. But by the prisoner, while he remains depraved, a return to the companionship of other criminals is an object intensely desired; and when the near prospect of this association is held out to him by an early removal to the Public Works, his mind will be powerfully attracted to that object, and the means employed to reform him will be more or less neutralised, partly by the diversion of his mind from present discipline, and partly by the vitiating nature of his anticipations. When, on the other hand, the prisoner is inclined to reform, the *fear* of that association with other criminals will distract his mind, and diminish the effect of instruction.

But the protracted imprisonment upon the Public Works operates injuriously from another cause.



During the term necessary for punishment the privation of the rewards incident to an honest life at liberty ought to be foregone by the prisoner; but during this period of correction, there is no motive, except the fear of God, by which he can be impelled to resolutions of honesty, so powerfully as by the clearly defined and not too distant anticipation of those rewards. These are the inducements by which, in actual life, the bulk of mankind are mainly held or allured to virtue. It is therefore an object of the utmost importance, that the prisoner's period of privation should be made as brief, and that the realization of the fruits of honesty should be brought as near, as may be compatible with the sufficiency of punishment. The moral loss will therefore be great when this most potent of all secular motives to virtue is enfeebled; and enfeebled it must be, when the rewards to be realized in an honest liberty are obscured and made remote by the intervention of a protracted term of associated imprisonment.

By uninterrupted separation, the term of punishment is reduced to its shortest limits, and hope is consequently brought most powerfully into play, and reformation is most powerfully stimulated. By the introduction of a less severe, and therefore *prolonged*, system of imprisonment, hope is enfeebled, and reformation is therefore diminished. If the convict has a family, and when the natural affections are strong in him, as they often will be, another influence will come into play. Anxiety respecting *their* future will often be all-engrossing. Such consequences of crime

are an inevitable and legitimate element of punishment. But it is politic, for the sake of reformation, not less than for economy, that the period of this all-engrossing anxiety to the prisoner, and of pauperism to his family, should be reduced as much as possible, by the concentration of his punishment within the shortest period compatible with the ends of justice. Not only will the mitigation of distracting anxiety leave the mind more free to attend to present admonitions ; but, when the future holds out a hope of realizing advantages from such attention, the anticipation will re-act in favour of reformation. Hence arises a third advantage, on moral grounds, of the concentration of punishment under the most severe and most reformatory system of unbroken isolation ; and, consequently, a third injurious influence from the introduction of a second stage of prolonged associated imprisonment.

These conclusions, consonant as they are with abstract probability, have been deduced by me chiefly from observation. The principles above advanced were well understood by the founders of Pentonville, and the original system was correctly based upon them.

At first, the day of the prisoner's entrance into Pentonville, was the commencement of a long and dreaded isolation, and of separation for years, if not for ever, from the scenes and associates of a criminal career. At the same time, if he were induced to reform, his entrance into Pentonville was the com-

mencement of a new and hopeful career.\* He was assured, that on removal to the colony, he might gain a livelihood, and regain a character and independence by steady industry and determined good conduct. To induce him to make the effort, and to aid him in it, no persuasion and no pains were spared. His restoration to virtue and to happiness, when his imprisonment was over, was the one end to which the whole discipline was subservient. In his future there was hope ; and the present was more readily devoted to the preparing for that future by reformation. The severance from old associates, so severe and discouraging to the evil disposed, was, to those in whom virtue remained, or was reviving, a boon and an encouragement.

Thus there were at that time combined at Pentonville in the highest degree kindness and severity. Its portal, though dismal and dreaded, was “a door of hope.” And so clearly was this two-fold character impressed upon the whole discipline, that *the prisoner felt it to be so*. In general, he would acquiesce in the justice and wisdom of his punishment ; and consignment to this prison became known among the criminal classes, as the *most severe and most merciful* doom of the convict.

At that time the beneficial operation of those influences which I have described, was clearly observable among the prisoners ; since the substitution

\* The Letter of Sir James Graham to the Commissioners, on the opening of the Prison, furnishes a masterly statement of the spirit of the original System. See Appendix No. II.

of the second stage of punishment in the place of continued separate imprisonment, there have been clear indications of the cessation of those favourable influences, and of the operation of influences of an exactly opposite character. For the companionship of the associated prison, or hulk, the more depraved convict, until reformed, has a keen relish ; and he anticipates it as a great relief. The despondency, the regrets, and even the plain remonstrances, of the better disposed at the prospect of being thrown again into the society of criminals, indicate clearly, that this prospect must operate to repress reformation. It is to such companionship that these, for the most part, trace—and trace correctly—a ruin almost irreparable. Thrown back among such companions, the conscious offender knows, and tells us, that his reformation, if commenced, will be endangered ; and he finds in the anticipation nothing but discouragement, and yet deeper degradation. In combating an evil of such frightful magnitude as crime, we shall violate alike the rules of righteousness and reason, if we neglect to call to our aid every influence for good. It is chiefly by a skilful acting upon men's hopes and fears, that their wills are brought under the control of authority. These two classes of susceptibilities are the inlets by which all motives drawn from the future are brought into play upon the soul. To cut off the prisoner, therefore, during the whole period of his punishment, from associations calculated to revive or perpetuate criminal feelings ; to hold out to him reasonable encouragement to reformation, as well as all possible

discouragement from crime ; specially to take precautions, that, so far as his future depends upon artificial arrangements, there shall be nothing in that future, and therefore nothing in his anticipation of it, to encourage vice, nothing to discourage virtue ; and, so soon as he shall be released from the correction of penal discipline, to place him at once in a position to be acted upon by all social ties, and by the full recompense of virtuous industry :—these are the conditions which ought to be complied with in any method of correcting criminals ; until, indeed, the attempt to reform them shall be abandoned as a needless, or a hopeless, effort. Under the system of continued separation, these conditions are complied with ; they are violated by the introduction of a second stage of associated imprisonment.

*Of the Association of Convicts during the Second Stage of Discipline.*

But while a return to the society of criminals is thus injurious, even in the anticipation, it is when this criminal association is realized that its consequences are most pernicious. At first, the theory of that second stage of discipline was vindicated upon the hypothesis, that by twelve months of separate confinement, reformation would be effected so extensively, that no contamination would result from a protracted association of the prisoners. This, however, was an hypothesis which never had facts for its support. It was a mere assumption, always at direct variance with the experience at Pentonville

and at Millbank, where a similar system of association was formerly tried, and abandoned ; and it has long since been refuted by the actual working of the existing system.

Having myself borne a part in the labour of instructing these men, and considering that their permanent restoration to virtue, or the stability of their religious conversion, is my chief recompense, I have not failed to observe anxiously such indications as have fallen in my way of the effect produced upon them by that second stage of discipline. I have no direct personal knowledge of the facts ; but information obtained by me from prisoners who have passed through the ordeal leaves no doubt upon my mind, that its moral effects are precisely such as all previous experience would lead us to expect. With the great bulk of the prisoners the conversation is represented to be, what the conversation of such men ever has been—profane, licentious, and criminal. Of the small number who go there really reformed, I cannot but fear that a very considerable proportion fall away. Some, undoubtedly, withstand the corrupting influences to which they are exposed ; but these are very few, and they have to endure an exposure to temptation of the most virulent character, from which there is neither respite nor escape. The constancy of these men, however, will furnish no justification of the system which subjects them to such an ordeal. Even at periods when prison discipline was in its most disgraceful condition, such exceptional cases occurred.

Rather the moral triumph of these men, when we contemplate the internal struggles through which it is achieved, ought to call forth for them even deeper sympathy, and to the system which gratuitously entails upon them those struggles, still stronger repugnance.

The testimony of prisoners upon the present question is not to be repudiated ; for, from whom are the demoralising conversation and vicious practices of prisoners to be ascertained, except from the prisoners themselves ? Whenever observation of their malpractices by an officer would be followed by a report and punishment, it is the first object of these men to elude detection. Nevertheless, even this testimony is not indispensable. I *know* what grave evils have resulted from the association of prisoners *at Pentonville*, where the number associated has been limited, and nearly all have been *selected* men. I *know* also how large a proportion of the convicts have been removed from Pentonville unreformed ; and I am informed (not by prisoners only) that the men from this prison are not worse than those from other prisons on the Separate System. When the whole body of the convicts are thrown together, the result must therefore be still graver evils.

But even other evidence is not wanting. Facts have from time to time transpired which sufficiently disclose the latent moral evil existing at the hulks and other public works. At the hulks it is notorious that every kind of villany is practised, and even unutterable abominations. It has recently been admitted in Parliament, upon the highest authority, that they are “*as*

*bad as they can be."* But the cause of that horrible state of wickedness is nothing but THE ASSOCIATION OF BAD MEN. At all the other associated convict-prisons the same CAUSE is in operation; and therefore the same effects must follow, so far as they are not precluded by differences in the discipline. But those differences do not extend beyond the provision, at one or two of the public works, of separate sleeping-cells or of a more efficient night-watch. By day there is no important difference; and the concentrated depravity, though repressed sufficiently to prevent the outrage of humanity, must ever be fermenting with a leaven of duplicity and vice.

Nor is there any increase of penal severity through this substitution of associated out-door employment for uninterrupted and rigorous isolation. When a prisoner has undergone twelve months of separate confinement, removal to the public works is a very great relief. This is undoubtedly the case. It stands confessed by the fact, already mentioned, that the period of detention is two, three, or four times longer during the second stage of punishment, than it would have been if the prisoner had remained in separation. The punishment is increased in *quantity*, because it is less severe in kind. What may be the amount of punishment required by any individual criminal, is a judicial question, and is independent of the respective merits of different systems of prison discipline. Be that amount more, or be it less, Separate Confinement is the system of imprisonment under which it can be administered with greatest *effect*. Not only is this discipline more



reformatory,—it is also, within equal periods of time, more severely penal.

There are, I admit, individual prisoners by whom the associated imprisonment is more dreaded than isolation. These are the very few who have occupied a superior position in society—the few in whom virtue is reviving; and those who, from whatever cause, retain some feelings of self-respect. If this class—altogether a very small class—were exclusively subjected to the second stage of discipline, their strong repugnance to it would furnish a plausible argument in favour of the system. Yet it would be an invalid reason; for in that case the association would *cease to be so dreaded* by these men. And, in reality, to whatever extent the prisoners are so classed at the public works as to bring the few steady men together, the result will preclude the vindication of the system, on the ground of increased penal severity. What these men recoil from is,—the society of thoroughly depraved criminals. To place this better class of prisoners in association, where they will not be exposed to the excessive depravity which they dread, is, in their case, as in any case with the majority of the prisoners, to mitigate very greatly the severity of the imprisonment. On the other hand, to subject such men to the society which they dread, for the purpose of punishing them by outraging their better feelings, may be a severe infliction, but is certainly an unwarrantable procedure. Self-respect is the mainstay of virtue; and whatever remains of it in a criminal, a wise penal system will scrupulously preserve and strengthen. Upon this

principle the separate cell has been justly eulogised as affording *protection* to the prisoner.\* In the absence of religious conversion, a revival of self-respect is one of the most powerful reformatory influences. No act, therefore, can be more plainly suicidal, on the part of society, than to subject such men to a mode of punishment pre-eminently calculated to obliterate the last traces of this feeling. Or if anything can aggravate the error, it is when strenuous efforts are first made to induce men to become virtuous, and then, in order to punish them by lacerating their virtuous feelings, they are thrown into contact with vice.

An opinion prevails, that when men are better educated, and have resources within themselves, separate imprisonment is not a severe punishment. To such men, however, if self-respect remain, a felon's doom is punishment and degradation enough. In their separate cells they have time and opportunity to dwell upon their ruin. It is well they have more resources than others; they need them. I have seen such men suffer most acutely under their punishment; and yet they deplore the inflexible rule which removes them

\* Upon the same principle, the slight covering for the face has been provided when the prisoner leaves his cell; not, as is vulgarly supposed, to add to his punishment, but that, when exposed to the view of strangers, or of other prisoners, protection may still be continued to him. To retain the use of a cap-peak during twelve months of separate confinement, and then to throw the prisoners together for years, is so singular an inconsistency, that I am not surprised it should have been abandoned at some convict prisons. It is, however, still retained at Pentonville; and it shows incidentally how completely the present plan of convict discipline violates the fundamental principles of the original Pentonville system.

to the public works. Yet, if punishment be the object of that second stage of discipline, impartial justice demands an equal administration. If it is cruel to force these men into such criminal association, to exempt them from it by partiality is unjust.

Surely, however, this theory, on which the present system is certainly based, must be held to refute itself; for, if increased severity of punishment, arising from such degradation, be a valid reason for its adoption with those who now recoil from it, then the more degraded, the more vile, the more brutalised the society to which the prisoners are removed from separation, the more severe, the more *extensively* dreaded, and therefore, according to this theory, the more thoroughly effective, will the punishment become. According to this theory, the old day-room at Newgate is a more effective system of discipline than the cell at Pentonville; and then the wisest measure which could be adopted for the repression of crime, would be to restore all gaols to the condition from which they were rescued by Howard. Nor, according to this theory, can the introduction of separate confinement, during even twelve months, be vindicated, unless it be upon the ground that, by this preliminary discipline, the virtuous feelings are cultivated, not, indeed, to ensure virtuous action, but to secure susceptibility to painful impressions from subsequent contact with vice.

There is, however, another feature in the actual working of the system, which appears fatal to the argument founded upon the greater severity of the

punishment to the better class of prisoners. By nearly the whole body of the convicts, removal to the public works is felt to be a very great relief; and those prisoners who regard the second stage of punishment in this light, are not only by far the most numerous,—they are also the most criminal, and therefore they are the class for whom severe punishment is most necessary. Now, assuredly, it cannot be politic so to regulate a general system of punishment as to mitigate its severity for those who, from greater obduracy, need its severity most, and already feel it least; and this for the sole purpose of increasing its severity for those by whom it is already felt most severely, and who, as a class, in consequence of their stronger social ties, are most easily deterred from crime.

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### SECTION III.

#### *Of the Effect of Separate Confinement upon the Will.*

There remains one objection, on moral grounds, to separate imprisonment, which, as it carries with it an appearance of philosophical acuteness, may merit examination. It is alleged, that in seclusion, the will, from the absence of temptation, loses its vigour; and that association is required either to confirm or to test reformation.

I apprehend that the objection rests upon a misconception of the nature of the will and its functions, and from overlooking the manner in which it is

actuated. Its energy to resist vice and to pursue virtue depends mainly upon two conditions : first, the clearness with which the mind is convinced of the rewards of virtue and the penalties of vice ; and secondly, the intentness with which the affections are bent upon securing those rewards and escaping those penalties. Now, it is plain that the culture of the mind and heart conducive to these conditions is far from being obstructed by seclusion. This deduction does not rest on theoretical analysis alone ; it is vouched by experience. It has been in solitude that many a master-mind has gathered up all the moral energies of the soul into one single resolve, with a force of feeling which has never subsided, and a determination which has never wavered through a subsequent life-time spent in pursuit of that one object.

If the physical energies were undermined in separation, the system would be objectionable upon other grounds ; there is, however, no proof that injury to the health is a result of the discipline. But even if the physical health were enfeebled, what connection is there between robustness of muscle and sanity of will ? The most heroic fortitude is constantly exhibited by the delicate woman, by the exhausted captive, and by the invalid ; and how often, on the other hand, does the man of brute courage and giant strength bear the brand of moral cowardice !

The passions of the criminal, by which he is chiefly actuated, are usually excessive and malignant. Penal discipline finds the will vigorous, but vicious ; propelled powerfully, but lawlessly. It is this *vicious*

activity that is subjugated by protracted seclusion and wholesome discipline. This is the effect intended to be described in a former passage, where the will is represented as subdued, as bent, or broken, and the moral character as made plastic by the discipline. It is not that the faculty of volition is enfeebled, but that the bad influence by which the will has been previously actuated is withdrawn or abated. The will is bent in its direction ; it is broken in its resistance to virtue. Its vicious activity is suppressed only to leave it open to the control of better motives.

It is plain that the considerations which thus refute the objection, that in seclusion the will is enfeebled by the withdrawal of temptation, are equally valid for a period of twelve months and for a period of eighteen months. If separate imprisonment is to be defended for the shorter term, and to be surrendered at that point, the objection must assume a different form. It will then have to be contended, that when the will has received a right direction in seclusion, association is required either to *confirm* or to *test* its virtuous tendencies. But this hypothesis involves other errors besides the misconception of the nature of the will and of its functions.

First, the plea of *confirming* reformation is painfully delusive. Under the existing arrangements, unhappily, there is very little reformation to be confirmed. But when the criminal is unreformed, there can be no doubt that he goes into the society of other criminals only to corrupt and to be more corrupted. Even in those cases in which reformation is effected, its sta-

bility is critical; and one of the severest of all the trials to which it can be exposed is the revival of vicious companionship. At least, therefore, our aim should be, that when the disciplined prisoner is again to encounter that species of temptation, it should meet him in its mildest form, by its being neutralised by the virtuous associations of general society, and after as much as possible of preparation. But this objection to prolonged separation propounds, as the very climax of a wholesome discipline, that the period of preparation should be curtailed for the express purpose of exposing the criminal beforehand to the concentrated virus of the contagion.\* But even if it be assumed that some temptation is beneficial, for the purpose of fully establishing a virtuous habit of action, at least there ought to be a certain correspondence between the sort of temptations to which the man will be exposed in the after career of actual life, and those prepared for him in the preparatory school of temptation. Now, in the case under consideration there is no such correspondence. The vices to which the liberated convict is most liable are drunkenness and incontinence, followed by a renewed career of crime. But the association of the dockyard, or the quarry, is no preparation for resisting the facilities which the Colonies afford for those forms of licentiousness. The abuse of recovered freedom is to be

\* The excellent and zealous chaplain of Portland, in his Annual Report for 1849, observes that the trials to which the prisoners are there exposed, "are greater than they would have to encounter in the colony, *when they could choose their own associates.*"

dreaded mainly from the risk of a reaction of the vicious appetites after long and forced suppression. So long as the man remains a prisoner, mere association with other prisoners will not neutralise that cause of danger. On his removal to an associated prison, there can be no training to initiate him in resistance to those forms of temptation. Facilities for those criminal indulgences form no part of the second stage of his punishment.

In one feature alone the temptations of the two positions are similar. Some intercourse with bad men must be encountered in the world at large. But this is precisely the form of temptation which, more than all others, common sense, not less than the Word of God, will urge the penitent to shun. Can they who propound the theory of confirming virtue in such a school, be aware of the general character of the conversation among prisoners? It is very generally profane! But can it be that the discipline most effectual for confirming an incipient fear of God, is to compel a man to be the constant companion of the blasphemer? One principal topic of conversation among prisoners is their crimes, past and future! When some of them, moved by our admonitions, have resolved to abandon a dishonest course of life, can it be wise or just that they should be compelled to spend years in listening to the exploits of the most adventurous and most successful of the criminal classes?

But the conversation of such men is ever surcharged with their incontinent ideas! By the very



laws of our nature, a perpetual recurrence of such ideas cannot fail to provoke the passion to which they address themselves: and when this passion is thus stimulated among men placed in an unnatural position, as these men are placed, it will have a tendency to degenerate into an unnatural form. This has been the result of congregating convicts; and it is the *direct consequence* of associating such men under such conditions. It cannot need evidence or argument to prove that such intercourse must be demoralising. It is vouched for by the dogma alike of the heathen moralist and of the Christian apostle, that "*Evil communications corrupt good manners.*" To assert that they confirm reformation, is therefore to contradict both reason and revelation. And it does seem a flagrant outrage against the dictates of prudence and the precepts of Scripture, that we should deliberately thrust the convict, who is usually a man of less than average moral strength, into the pollutions of a society of more than average wickedness.

The plea of *testing* reformation during the second stage of discipline is equally untenable. The temptations to which association exposes the convict are such as to produce a gradual demoralisation of his *character*, rather than present delinquency in his conduct; and of that internal depravity the officers have not the opportunity of taking cognisance; it is known chiefly among the prisoners themselves. It is, moreover, an admitted rule, that mere prison conduct is a very defective indication of moral charac-

ter. And this rule is quite as much applicable under the congregated system as under the system of isolation. The two kinds of prison offences which prisoners are more liable to commit in association than in separation, are procuring prohibited articles, and coming into collision with officers or prisoners. The temptations to commit these offences arise entirely out of the artificial conditions in which the prisoner is placed; and they are a most fallacious test of what the conduct of the prisoner would be, if he were placed in a naturally social condition. Direct collisions between prisoners and officers are rare; and when they occur, they are indications rather of bad temper than of dishonesty. The offence of procuring prohibited articles, while it is extensively committed, is rarely detected. In fact, it is necessarily committed by the aid of an officer or servant, and therefore immunity is the rule, detection is the exception. To escape detection may be an evidence of cleverness; it is no proof of reformation. It is undoubted, that whether a prisoner is reported under the system of employment in association, depends much upon chance, much upon cunning, and much upon his experience of prisons. The old thief unchanged is generally the man who will be last reported.

If, according to this theory, there were any advantage to be gained by throwing the prisoners together, the voyage to the colony gives ample scope for observation. But such association is *not* adapted to any

practicable purpose. Undoubtedly, the true character of prisoners may often be ascertained from their companions, when they are allowed unrestricted intercourse. This is a legitimate way of obtaining information for general purposes; but, as a criterion for deciding the fate of individual convicts, it would become a system of espionage. It would, moreover, be valueless; for, let the prisoners once become aware that their reports will be *acted upon*, and motives of self-interest and of sympathy will be brought into play, and the credibility of the information destroyed. The only justifiable and true test of reformation is the actual conduct of the prisoner when restored to a natural state of society. And if it is desirable that his restoration to complete liberty should be contingent upon his bearing this trial, a restricted degree of liberty, such as that conceded under a ticket-of-leave, is a ready mode of subjecting him to the test, consistently with sound policy and morals—the present system is a violation of both.

Exposure to temptation is, it is true, a condition inseparable from our existence. This, however, is a result beyond man's control, and for which men, individually, are not answerable. The exposure of the prisoner during the second stage of discipline is designed: he is taken prematurely out of separation, and is intentionally placed in association for the purpose of exposing him to temptation. And certainly to *contrive* and gratuitously to enforce such an ordeal of concentrated vice upon thousands of wayward and

erring mortals, is to incur a fearful responsibility. The fact that man must be tempted, and that some will fall, does not justify those who subject their fellow-creatures to the fatal test. "It is impossible but that offences must come; but woe unto him *through whom* the offence cometh!"

In the providential arrangements of the world, the trials of good men are under the control of Omniscience, and are adjusted to the strength of each individual, or the strength of the individual is adjusted to his trials. And, assuredly, to grant that permissive dispensation by which moral evil exists, and by which bad men are brought into contact with vices external to themselves, and so their latent vices are educed, is the most mysterious and most awful prerogative of the Almighty. When a system of criminal association is instituted as part of a *moral* discipline, for the purpose of testing or confirming reformation, it does, I confess, irresistibly present to my mind the semblance of arrogating this prerogative of Deity. Let it not be urged in extenuation, that when men are corrupted or re-corrupted, the evil was in them from the first, and their reformation was not stable. It is not permitted even to the angels of heaven, until the day of judgment, to weed out the tares, lest they should root up the wheat also. Much less does it appertain to one sinner to heat the burning fiery furnace of temptation, and to cast his fellow-sinners into it, in order to separate the reprobate from the elect. Shall man venture to construct a normal *School of Temptation* for his fellows,

when, even in our prayers to the Omnipotent Being who has promised that He “will not suffer us to be tempted above that we are able to bear,” we are instructed, by the Divine Teacher, to say, “**LEAD US NOT INTO TEMPTATION, BUT DELIVER US FROM THE EVIL ?**”

## CHAPTER II.

### OF THE MENTAL AND PHYSICAL RESULTS AT PENTONVILLE PRISON.

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#### SECTION I.

##### *Of the Mental Results.*

SECOND in importance to the moral results of Separate Confinement, and closely connected with them, are its effects upon the mental health. In the investigation of this question, some preliminary considerations are necessary.

1. It is to be remembered, that in ordinary life mental disturbance is not unfrequently the consequence of heavy calamities. Under any system of severe punishment, a *degree* of risk to the mind is therefore inevitable. Penal inflictions of all misfortunes involve consequences the most disastrous ; and the danger which is a natural result of all other great misfortunes, is inseparable from these. And this danger will necessarily be greater in proportion as the reasoning faculty is weak, and the passions excessive and uncontrolled. This danger, therefore, will probably be greater among the criminal classes than among the free population, inasmuch as the proportion of such characters among these classes is considerably above the general average. In fact,

criminality is in many cases the direct result of this combination of excessive passion with defective intelligence. Among convicts under sentence of transportation the danger will therefore be greatest, because, as a class, they are most excessively demoralised, while transportation is, of all punishment except that of death, the most severe.

The returns from lunatic asylums show in how large a proportion of cases insanity is the result of moral causes—of drunkenness, of reverse of fortune, of grief, of domestic unhappiness, and of other evils, all closely resembling, if not identical with, either the causes or the effects of imprisonment and transportation. To render these penal inflictions *by any method* sufficiently severe, without some risk to reason, among individuals possessed of less than average strength of mind, or of violent and irregular passions, appears, from the very constitution of our nature, to be impossible. Yet the exigencies of society render effective punishment of some kind indispensable. The form, therefore, which the question ought to assume in relation to the mental results under the Separate System is, Whether under this system that risk is *excessive*?

In the decision of this question, the efficiency of the discipline is an important consideration.

It has been laid down by Archbishop Whately, the highest authority on questions of penal science, that punishment to be effective must be *severe*. But the infliction of acute bodily pain being exploded as inhumane, modern punishments consist chiefly in priva-

tions. This is the penal element of imprisonment. The offender is *deprived* of a liberty, with all its endearments, his abuse of which has proved injurious to society. Now, of all forms of imprisonment, a scarcely broken incarceration within a cell fourteen feet by seven is the most stringent. The seclusion of the cell, by depriving the prisoner of associations which divert the mind, leaves him to *reflect* upon his privations, and thus increases their severity. The Separate System at least satisfies, more than any other mode of imprisonment, this primary requirement of a sound penal discipline;—it is *severe*.

But the actual effects of every possible combination of penal measures will be so varied by individual differences, that any kind of punishment which is sufficiently severe in general will occasionally be severe in excess. Humanity requires that all possible precautions should be used to prevent that excess; but legal enactments must aim at general results, and their execution must, as a general rule, proceed with uniformity. Disastrous consequences are therefore occasionally inevitable. This is a defect inherent in all human systems of punishment, and therefore, is no valid objection against the Separate System.\*

Pressure upon the mind under a Cellular System is a necessary concomitant of its characteristic excellence. While corporal punishment degrades a man into a brute, this mode of punishment, combined with

\* This view of the question is ably stated in a passage in the Sixth Report of the Pentonville Prison, attributed to the pen of the Earl of Chichester. See Appendix No. VI.



instruction, deals with him as a rational being. It deprives him of liberty in all those forms in which it is unsafe that he should be trusted with it; and it induces him to reflect upon his privations, and upon their origin. It appeals, in fact, to his *reason*. When, therefore, the infliction becomes excessively severe, an undue strain upon the power of reason becomes the characteristic danger.

This admission, however, relates to the *purely penal* element. Under the Separate System, this danger to the mind is counteracted by those other elements which, for want of a more correct term, have been distinguished as *moral* or *reformatory*. The only question is, Whether at Pentonville it was counteracted *completely*? Unmitigated solitude has been tried in America, and abandoned. In the Millbank Penitentiary, solitude was the basis of the system, but important alleviations were introduced. The prisoners attended chapel, took exercise, worked at trades, and received instruction: still it was found that the mind gave way in too many cases; and the Millbank modification of separation was discontinued. The Pentonville system resulted from the failure of that at Millbank. It was the re-establishment of a system of seclusion with increased alleviations. There was an increase in the amount of instruction, and the visits of the superior officers was made more frequent.

In every publication of authority, the distinction has been very clearly drawn between *solitary* imprisonment, properly so called, and the *Separate* or Pentonville System. Under the former, the prisoner

is wholly deprived of intercourse with other human beings ; under the latter, he is only kept rigidly apart from other *criminals*, but is allowed as much intercourse with instructors and officers as is compatible with judicious economy. The one is indefensible, and is exploded ; the other is at least rational. Separation is not solitude.

This distinction is not, in general, sufficiently understood ; and, in fact, it has been practically disregarded at the prison erected for the express purpose of being the model of the system of Separation, as distinguished from Solitude. The recent changes at Pentonville could not otherwise have taken place. For if any changes were required in the original system, in order to counteract danger to the mind, they were some extension of the alleviations already introduced, and not an infringement upon the term or the separation. The fundamental principle of the original System was, that the amount of instruction and visitation by superior officers should be *adequate* for the purpose of preserving the minds of the prisoners in vigour, as well as for effecting reformation to the greatest practicable extent. The limits at first assigned to those reformatory and humane provisions were not impassable. It was for experience to show how nearly insanity was reduced by them to the general average : if the strain upon the mind had, in reality, been found still too severe, those alleviations might have been still further extended.

It is important, therefore, to observe, that the ultimate question involved in the investigation of the

mental results at Pentonville, is not the stability of the system of separating the criminal from other criminals, but only the safety of the exact modification of separate confinement pursued at Pentonville. In other words, it is a mere question, whether it would have been beneficial to have extended somewhat further those alleviations of the solitude which had been already introduced. Even if the investigation should be thought by some to show an excess of mental disease under the original system, the practical conclusion indicated would be the expediency, not of abandoning the System, but of increasing those alleviations, especially the amount of instruction, and the visits of superior officers.

2. The investigation of this question is somewhat complicated, by the changes which have been recently introduced. The decrease of reformation which immediately resulted from those changes, was scarcely more marked than the increase of mental disease. In tracing these results, it is therefore necessary to distinguish between those produced under the original and those under the altered administration of the discipline.

3. It is also necessary to distinguish between the amount of mental disease developed *before*, and the amount developed *after, the twelfth month* at Pentonville. The length of time for which this system of discipline may be safely prolonged, is a question of the gravest import. If it be during the latter period of a protracted term that it becomes most effective

both for punishment and for reformation, any excess of risk to the mind during that period would detract greatly from its value. In that case, the discipline would have to be abandoned precisely at the point at which it becomes most important that it should be continued;—in effect, a whole year of separation would be lost; and the prisoner would have to be removed unreclaimed, or to be thrown back imperfectly reformed, into associations where the benefit he might already have derived would be exposed to the greatest hazard. This is the change which has been made, and it has been made upon this hypothesis: namely, that for twelve months the Separate System is safe; but that an increase of risk to the mind beyond that period, requires the removal of the prisoner to an associated prison. If, however, this reason for limiting separation is valid at Pentonville, it will be valid in the penal administration of the country generally. Accordingly, upon this ground it is already proposed to erect central prisons on the *associated* system for the reception of *all prisoners* sentenced to more than nine or twelve months' imprisonment. The solution of this question, therefore, involves not only important moral and mental results, but the outlay of, at least, A QUARTER OF A MILLION of public money.

There are, then, three distinct questions involved in the present inquiry: First, Whether any of the mental disease under the original System of discipline was the effect of that System, as distinguished from other systems? And if it was so, Whether that excess

was disproportioned to the comparative efficiency of that discipline? Secondly, What have been the mental results under the altered System, as compared with those under the original System? Thirdly, Whether the earlier or the more protracted period of the term of separate imprisonment has been characterised by the greatest amount of mental disease?

*1. Of the Mental Results under the Original System.*

The Second Report of the Commissioners has given a detailed account of the cases of insanity which occurred during the first year under the original System. From those details, it appears that the discipline could have had but slight influence in producing the disease. During that year, from a population of 525 prisoners, there occurred three cases of mania. Of these three men, one had been considered insane *before conviction*. Another, being one of the earliest prisoners admitted, was constantly, until the date of his attack, "employed *out of his cell*," in preparing the prison for the reception of other prisoners, and surrounded by officers and workmen. The third, as well as the second, was a case of religious mania. During this year, however, it was considered by the Commissioners that there were some special causes in operation tending to disturb the mind. These were subsequently removed, and the amount of mental disease greatly decreased. During the four following years, while the original rigorous discipline remained in force, and while the average term of imprison-

ment was eighteen or nineteen months, there occurred three cases of mania out of a population of 1627 prisoners.\* The proportion was as 1·65 in 1000 annually.

Of these, one was first attacked with hypochondriasis, and subsequently with mania. He had been convicted of a common felony; but he represented himself to have been in the habit of committing crimes, the recollection of which might well disturb reason. These crimes he described, shortly before the more severe attack, as haunting his mind and causing him great terror: his self-accusations were verified; and certainly insanity was not an unnatural accompaniment of such horrible and varied iniquity. In another case, the attack came on when the prisoner was about to be embarked; and he rapidly recovered, *in the prison*.

From these results, when taken in conjunction with the preceding explanations, it is not easy to arrive at any certain conclusion. The statistics of insanity in general are exceedingly defective, and it is consequently impossible to institute a correct comparison between the average of mental disease at Pentonville and among the population at large. So far as such a

\* Two prisoners were considered to be of unsound mind shortly after removal: the form of the affection in both cases was partial incoherence. One had precisely the same condition of mind for some years before his imprisonment: in the case of the other there was no reason whatever for attributing the affection to the discipline. He was an old soldier, and he talked incoherently of some period in his military career. The discipline had not been severely felt by him; on the contrary, he exhibited insensibility to the punishment, and a want of moral feeling.

comparison can be made, it has been shown, by the accomplished writer of an article in the "Quarterly Review" for October, 1847, that the proportion of insanity at Pentonville, under the original discipline, when the first year is omitted, was not excessive.\*

Nor can an accurate comparison be instituted between the mental results at Pentonville and in other prisons. The more highly criminal character of *transported* felons than of prisoners in general, the far heavier punishment to which they are doomed, the wide dissimilarity between one or two weeks' or one or two months' imprisonment, and eighteen months' imprisonment, to be followed by transportation, render it probable, that the insanity would be greater at Pentonville than in ordinary prisons. The Commissioners, however, felt justified in stating,† that from such data as they were able to obtain, they were led to believe, that "if the first year, 1843, were excluded from the calculation, the proportion of prisoners who had been affected with insanity after their committal to Pentonville, was not only not greater, but actually smaller, than that which occurs among persons of the same ages in other places of confinement." And certainly, when due allowance is made for the prejudicial influences inseparable from

\* This conclusion is also carefully deduced in the Report on the Pentonville Prison, by Sir B. C. Brodie and Dr. Fergusson. See also a note to the Sixth Report of the Commissioners, pages 5, 6. It is there shown, "that in the Society of Friends the cases of insanity occurring annually, between the ages of 20 and 40 years, are in the proportion of 1·5 in 1000."

† Fifth Report of the Commissioners, p. 12.

the character and habits of a highly criminal population, and from an effective administration of the most severe of all secondary punishments, the limited amount of insanity which occurred can hardly be considered *excessive*.\*

It is necessary, however, to inquire, to what extent these results may have been affected by the selection of the early prisoners. There is reason to believe that the facts connected with that selection have been con-

\* It appears from the gaol return, that during the years 1843—7, in which years the original system was in operation at Pentonville, the annual mean number of criminals brought to trial in England and Wales was 24,785 ; and that the annual mean number found, or acquitted as, insane was 324. This was in the proportion of 1·3 in 1000. But the number found insane *at their trials* will clearly fall considerably short of the number of cases occurring among the 24,785 criminals *within the year*. The average period which elapsed between the attack and the trial cannot be ascertained ; but if, for example sake, we assume it to have been six months, or four months, then the cases of insanity occurring *during an entire year*, would, according to the same rate, be in the proportion of 2·6, or 3·9, in 1000.

The highest of these proportions is, probably, not much too high. It appears from another Table, that the annual mean number of cases of lunacy throughout the prisons of England and Wales, reported *during each of the same years* was 89·4 ; and that the average daily population was 14,689. This gives a proportion of 6·3 cases in 1000 prisoners. A very small proportion of these cases may be returned in two consecutive years ; and some were insane at the time they were committed to prison. The period during which the attacks occurred, would, in *their cases*, more or less exceed the year. But on the other hand, cases occurring a few weeks before the expiration of the prisoner's sentence, and among prisoners sentenced to only a few weeks' imprisonment, are very often not reported at all. These returns certainly show that the tendency to insanity is very much greater among criminals than it is among the ordinary population.



siderably misapprehended. The first 469 prisoners were not selected at all with reference to their mental capabilities for bearing the discipline. They never passed through Millbank, but were sent to Pentonville in small numbers, from prisons in all parts of England and Scotland, and were selected on *moral* grounds. It has been already mentioned, that the first prisoner who became insane was found, from subsequent inquiry, to have been of unsound mind before his admission. The first prisoner selected by Mr. Crawford or Mr. Russell stood 470 on the register. From that time, care was undoubtedly exercised not to admit men concerning whom there appeared grounds for apprehending that their reason would be endangered by a severe imprisonment ; and while the effect of the discipline was in some degree doubtful, it would certainly have been culpable if such cases had not been excluded. But the actual results show that, after all care had been exercised, this selection did not secure a class of prisoners differing much in their mental conditions from the first 469, who were not selected on mental grounds. It has been usual to make inquiry into the previous history of each prisoner *after* his admission. From answers to these inquiries, it was ascertained that among the first 1500 prisoners there were fifty-three who had relatives insane, or who had themselves exhibited indications of unsound mind. Among the first 469 prisoners, who were *not* selected on mental grounds, these unfavourable reports were received in seventeen cases. Among the next 1030, who *were* selected, they were

received in thirty-six cases; so that the proportion of unfavourable cases was quite as great after the selection as before it. It is also somewhat singular that unfavourable reports were received in the case of both the Regd. Nos. 470 and 471; that is, the first and the second prisoners selected at Millbank. To an inquiry respecting the first, the following reply was received:—"Not considered quite correct in his mind. Aunt mad for a long time." In reply to an inquiry respecting the second, it was stated that his "uncle killed himself in a fit of insanity." The first was noticed, on admission, to be of a peculiar turn of mind; and the second to be low in spirits and in intellect.

If further evidence is required to show how little importance is to be attached to this selection as affecting the actual results, that evidence is found in the fact, that of those fifty-three prisoners not one became the victim of mental disease; on the contrary, with three exceptions, they are reputed to have *improved* under the discipline, and only one was considered to have become decidedly worse. When so large a number of prisoners, known to have been more or less predisposed to insanity, were retained under the most rigorous discipline, for terms in many cases *exceeding eighteen months*, certainly the original system was subjected to a severe test; and when nearly the whole of those prisoners were "improved," either mentally or morally, at the expiration of their imprisonment, the result is a very strong proof of the safety of that system as it was then administered.

There have occurred, however, at Pentonville, in addition to the cases of actual insanity, a form of slight mental affections, described in the prison returns as "delusions." On several grounds, it is necessary to distinguish these cases from those of mania and decided insanity. In ordinary life this distinction is recognised. There are persons frequently met with who, without being treated as insane, are eccentric, fanciful, or easily impressed with false conceptions, whether received from others, or generated by a distempered imagination. This class of persons is most numerous among the idle, the unmanageable, the reckless, habitual drunkards, and those whose intellect is naturally not strong; and those are the characters of which a large portion of the criminal class is composed.

It is generally admitted that there is, in many cases, a near affinity between crime and unsoundness of mind; and while the gaol returns show that criminals are not unfrequently found on their trial to be completely insane, there can be little doubt that there are others whose minds are bordering on an unsound condition, are deficient in vigour, and are very susceptible of delusive impressions. In private life this class of persons is more numerous than is supposed by those who have not had their attention directed to the subject; while among prisoners, especially among transported convicts, to whatever system of discipline they may be subjected, it is to be expected that this class of prisoners will be more numerous than among the general population. In

prisons conducted upon the associated system there is reason to believe that prisoners in this intermediate state of mind pass through the routine of the working gang, or the revelry of the day-room, sometimes unnoticed by the authorities, and often *unrecorded*.\* Under the vigilant supervision exercised at Pentonville these delusions have immediately become matters of record. It would be erroneous, however, to attribute them to the seclusion of the cell because they first appear, or are first recorded, there ; or to identify them with the graver cases of mania, or of decided insanity.

In the second Report of the Commissioners the following description is given of the cases which occurred during the first year :—“ There have occurred five cases of hallucination or illusions, respecting which we judged it proper to institute a searching inquiry. These prisoners have recovered under medical treatment in the prison ; but as *three of them were of weak mind, and as they were men of cunning and deceitful characters*, it was, under all circumstances, considered expedient to recommend their removal from the prison ; and they were accordingly sent to Millbank. The medical officer of that prison has reported, that *neither on their reception, nor subsequently, have they exhibited any symptoms whatever of hallucination, illusion, or dementia*, and that they are in all respects fit to be removed to Van Diemen’s Land with other convicts. They have since been embarked for that colony. The two remaining

\* They are known among their companions by the nickname of “cranky.”

prisoners *are still in the prison, and for the last six months they have been in perfectly sound health, both of mind and body.*" Similar cases having subsequently occurred, the character of this form of mental affection again engaged the attention of the Commissioners, and the following statement was made in their Fifth Report, p. 12 :—"We have evidence before us, that other prisons afford examples of similar mental affection ; and it is not unreasonable to suppose that, when there are long terms of imprisonment, and the prisoners are not allowed to associate with each other, such cases may occur more frequently than under other circumstances. At the same time, it is right to observe that, in many of the cases which occurred at Pentonville, the symptoms were no more than are met with in private life, and were such as would probably have been overlooked, without that strict scrutiny to which the Pentonville prisoners have been subjected."

The proceedings of Criminal Courts supply examples of this kind of mental affection. There are individuals, from time to time, accused of crimes which excite more than usual interest, in whose behalf the plea of insanity is advanced. Eccentricities of conduct, occurring, perhaps, at remote intervals, or hallucinations similar to those which have occurred at Pentonville, are adduced as evidence of insanity ; but the plea is constantly disallowed, though the fact of the slight mental affection is not disputed. The distinction between the two classes of affections thus obtains *legal* recognition ; by its adoption in the Reports of the prison it is recognised on *medical* authority.

The selection of the early prisoners may have prevented the admission of individuals who were *known* to be the subjects of such affections ; but it could not have prevented the admission of others in whom there existed a predisposition to them, which was *not* known to the officers of the prison. In reality, very little was known of the previous history of the prisoners at the time of their admission. Their own statements were the only sources of information, and these are not trustworthy. It was not until they had been for many months at Pentonville that more careful inquiry was made ; and even then, in about 500 cases among the first 1500 prisoners, no information was obtained.

If these slight affections may in some cases be *probably* attributed to the discipline, it is not less probable that means might have been employed for correcting the danger without infringing the fundamental principles of the Separate System. That system was avowedly experimental ; and these were points which additional experience would have elucidated. Excessive and permanent injury to the minds of prisoners would be fatal to the adoption of any system of punishment, however effective ; but a due regard to the interests of society will hardly warrant interference with the most effective known method of coercing the worst classes of criminals, lest one in two hundred should for a week or a month be possessed with some trifling and transient delusion. At least, while it was doubtful whether these impressions were the result of the discipline, and whether, in so far as they were, they might not be prevented without impairing, the

efficacy of the punishment, these occasional symptoms might have been borne with. The entire number thus affected during seven years, from the opening of the prison until the 31st December, 1849, was sixteen, out of a population of 2769.

If these results are not deemed sufficient to establish the complete safety of the original system, it will, perhaps, be admitted, that they fail to supply any decisive evidence against its safety; that, if the injurious influence of solitude upon the mind was not entirely neutralised, it was very slight, and scarcely disproportioned to the effectiveness of the punishment; and that no adverse conclusion can be truthfully drawn from them without a careful estimate of the extent of insanity, especially of the slighter forms of mental disturbance, in private life, and of the mental peculiarities of the criminal class. Upon these questions, however, intricate from the obscurity in which the subject of mental disease is involved, and further complicated by the peculiar character and condition of the most demoralised class of criminals lying under sentence of transportation, great deference will be accorded, by intelligent inquirers, to the opinions of experienced observers. But if opinions are to be allowed weight, it is the Commissioners of the Prison who are most entitled to speak with authority. Their conclusions are contained in the following extracts from their yearly Reports:—"We have instituted," they write, in their Second Report, for 1843,\*

\* Second Report of the Commissioners of Pentonville Prison, p. 13.

“a searching inquiry into every part of the discipline of the prison, and we can refer with feelings of unmingled satisfaction to the present bodily and mental condition of the prisoners generally.” In their Third Report, for 1844, they write:—“The mental condition of the entire body of prisoners has been highly satisfactory. During the past year, and up to the present time (10th of March, 1845), no case of insanity, hallucination, or mental disease of any kind has occurred among the prisoners.” In the Fourth Report, they only reiterate their former opinions. The Fifth Report† includes the deliberate judgment of the “Medical Commissioners,” who, from the first opening of the prison, had the best opportunities of giving their opinion upon a point of so much importance, and who had, with a view to this report, given laborious attention to it. That judgment is in favour of the safety of the original system, qualified with an admission, that there may possibly be a small number of exceptional cases in which some modification of it may be required. In the opinion of the Medical Commissioners the Board concurred, and the Report concludes, “If these precautions” (the alleviations to the solitude introduced at Pentonville) “be duly attended to, we have no doubt that great public advantage would result from the general application of this modified system of Separate Imprisonment; for while we believe that it is open to no objections, which are not applicable to every other

\* Third Report of the Commissioners of Pentonville Prison, p. 9.

† Fifth Report, pp. 11, 12.



mode of imprisonment for long terms, we are confident that it affords moral advantages which no other can secure." The Sixth Report, p. 12, after an able review of the whole question, contains the following conclusion :—" It is, however, a most encouraging fact, that under a system like that at Pentonville, the physical and mental condition of the prisoners is far more satisfactory than that of the same class of men, when undergoing the natural consequences of their dissolute lives and habits in the world." In reference to the cases of mental disease which actually occurred, the opinions of the Board, though cautiously expressed, are decidedly in favour of the system ; but in reference to the effects of the discipline upon the minds of the prisoners *generally*, the opinions adduced are most emphatic ; and this testimony ought to be accepted as decisive. The question relates to the safety of a particular modification of cellular imprisonment : it was at the prison under the government of these Commissioners that this particular discipline was most severely tested, upon a large body of prisoners. The Commissioners were men of intelligence, experience, and great eminence as professional and strictly practical men. They had not been nominated to uphold a system, but to watch over an experiment. The Government, Parliament, and the country, were looking up to them, to be guided by their opinion. To the deliberate conclusion of such observers under such circumstances, and after six years' experience, it is impossible not to attach the greatest weight.

The Reports of Dr. Rees, the Physician to the

prison, have uniformly coincided with those of the Commissioners. It was not, however, upon the reports of their medical officer that the opinions of the Commissioners were founded. The most experienced members of the Board were frequent visitors of the prison, and the conclusions of the Commission and of Dr. Rees are independent testimonies.

Next in authority to the testimony of the Commissioners and of the Physician to the prison, is that of Surgeon-Superintendents, under whose care the prisoners have been placed on their voyage to the Colony. No testimony could be more favourable than theirs. Dr. Hampton, the present Comptroller-General of convicts in Van Diemen's Land, thus records his opinion of the mental health of the 345 prisoners embarked on board the *Sir George Seymour* : \* —“ As an opinion prevails very generally, that the separate system in force at Pentonville weakens the mind and often causes insanity, *I feel bound to state, in the most emphatic manner, that it did not produce the slightest mental imbecility in any of the 345 men under my charge*, and that their minds were in a much more healthy state than is usual among ordinary convicts.” This testimony is the more valuable, since an opinion is entertained by some, that the mental energies are extensively impaired, or partially paralysed, even when no positive disease supervenes. The emphatic statement of Dr. Hampton, that the discipline had “ not produced the slightest mental imbecility,” is a decided refutation of that opinion. If any

\* Fourth Report of the Commissioners, Appendix, p. 45.

Reports of a different character have been received, they must have related to prisoners embarked after the changes had taken place in the system: so long as the original term was enforced, the Reports from subsequent vessels continued uniformly favourable.

## *2. Of the Mental Results under the Altered System of Discipline.*

The preceding results carry the experiment from the opening of the prison in 1842, to the end of 1847. In the beginning of 1848, the original term of eighteen months was first reduced to fifteen months, in order to prevent what was thought to have been an excess of mental disease.\* In this one year, however, there occurred five cases of mania, four having occurred before the twelfth month, and the fifth having been produced by a too sudden return to association. Notwithstanding these results, a further reduction of the term took place in 1849, and twelve months was made the maximum period of separation. In this year there occurred 4 cases of insanity, and a general deterioration in the mental health, which called for special animadversion from the Physician. In 1850, there occurred 7 cases of insanity.† Thus the total number of cases of insanity during three years,

\* Prisoners were detained beyond the fifteen months, in consequence of unintentional delay in the preparation of vessels after arrangements had been made for their removal. In these cases they were placed in association at Pentonville.

† I adopt the return given by Dr. Rees, in his published Report for the year 1850.

under the altered system, was 16: the number which had occurred during the preceding four years, while the original system was in full operation, was 3; even if the first year is included, the number is 6 cases in five years. It is clear, therefore, that the amount of insanity has been very much greater in proportion since the original system was disturbed.

In comparing the results at these two periods it is unimportant whether we estimate the proportion of the cases to the average daily population, or to the aggregate number of prisoners in the two periods, *compounded* with the duration of the imprisonment undergone by each body of prisoners. The three cases in the four years under the original system, when in full operation, occurred among 1640 prisoners, undergoing *within that period*, an average imprisonment of 396 days. The sixteen cases of the last three years, under the altered system, occurred among a population of 2387 prisoners, undergoing, *within that period*, an average imprisonment of 224 days. The difference, therefore, in the proportion of the insane cases at these two periods is as 1 to 8.42; that is, *the insanity, under the altered system, has been EIGHT TIMES greater than during the four preceding years, when the original system was in FULL OPERATION.* Even if the first year should be included, the proportion under the altered system would be about four times greater than during the first five years of the experiment.

Nor has there been any decrease under the altered system in the number of slighter affections. There have also occurred, during the last three years, three

cases of suicide, which certainly result from a most distressing class of mental affections ; during the five preceding years not one case of suicide occurred.

If a minute inquiry were instituted into the particulars of each case, it might probably be made to appear, that both under the original system and under the altered system, some of the cases were certainly not attributable to the discipline. The recent cases having been more numerous, would perhaps supply a larger number of such exceptions, and the excess might, possibly, be somewhat reduced by this process of exclusion. But such an inquiry could not lead to any satisfactory result ; for there would be cases in which opinions would be divided as to the cause of the disease ; and thus the results would be altogether involved in uncertainty. Nor is it necessary to attempt thus to extenuate the facts, since no importance is attached to the exact rate of increase indicated by the preceding numbers. The general result is sufficient ; namely,—that the chief reason alleged for the alteration of the system was a humane desire to prevent mental disease, and that since those alterations have been introduced, there has been a decided and very considerable increase of mental disease.

It may, possibly, be attempted to explain these altered results upon the hypothesis, that the insanity developed in the prison is *solely* the effect of predisposition existing in the individuals actually attacked ; and, therefore, that the number of the cases depends upon the accidental admission of such individuals,

and has no connexion whatever with the system of discipline. This hypothesis, however, will equally account for the whole of the insanity which has occurred from the first; and thus every semblance of a reason, upon mental grounds, for having reduced the term of separation will be taken away. To some extent, the explanation is true; but if the mental disease at this prison has been at all connected with the system as a co-operating cause (and I confess that such has always been my opinion), then the occurrence of this great increase of insanity, concurrently with the recent changes in the discipline, will enable us to eliminate some of the supposed sources of danger to the mind in separation, and to ascertain the measures by which that danger may probably be counteracted. In this point of view, these attained results possess considerable though painful interest. In consequence, indeed, of the recondite nature of mental disease, and with so limited a number of cases, it is not possible to arrive at any certain conclusions; the evidence, however, will perhaps be deemed sufficient to support some *probable* deductions.

When a hypothetical cause is decreased, and an assumed effect is increased, it is difficult to comprehend how the relationship can subsist, except in a very subordinate degree. Such has been the case at Pentonville. A relaxation in the rigour of the separation, and a great reduction in the term of imprisonment, have been followed by a great increase of insanity. The probability, therefore, becomes exceedingly strong, that under the original system the

rigour of the separation and the protracted term were *not* the elements upon which the amount of mental disease depended. And this probability is so much the greater, since the effects at the time when the hypothetical cause was in full operation, were scarcely more than were to be accounted for by other causes which are in operation in society at large, without the recognition of any special cause connected with the discipline.

But if the insanity does not result from these distinctive penal elements of the original system, it may be inferred, that in separate confinement the mental health, in so far as it is affected by the system at all, depends mainly upon, or may be controlled by, the moral or directly reformatory elements of the discipline.

This inference coincides with previous experience. The amount of instruction under the original system, the visitation by superior officers, and the hope with which the prisoner was inspired, so reduced the amount of insanity, in comparison with what it had been when the solitude was not at all, or not so much, alleviated, that it became doubtful whether any mental disease resulted from the separation in such combination. The recent changes have supplied the *contrary* of the original experiment. The moral elements have now been *diminished*, and the mental disturbance has again *increased*. And this result is more remarkable, since at the same time the penal elements have decreased also.

The same conclusion will also be found, I believe, in accordance with the known laws of mental disease. It might be inferred, from general observation, that danger to the mind of a prisoner in a solitary cell is to be apprehended from one or more of three causes :—from vacuity occasioned by inaction ; from the withdrawal of those moral stimulants by which in society the mind is diverted from too monotonous thought, and rallied under the pressure of too intense feeling ; or from the recollection of past licentiousness, the severity of present privations, and the dread of the future,—all of which, in the case of the transported criminal, are frequently such as to produce a more than ordinary strain upon the mind.

Now in the system propounded by Mr. Crawford and Mr. Russell there were provisions combined with the separation, which were manifestly adapted to neutralise the danger from each of these sources, while at the same time they were calculated to effect reformation. The instruction of the prisoners, their employment at trades, and the encouragements held out to self-improvement, were directly counteractive of mental inactivity. These agencies, and constant visitation by officers, supplied moral stimulants, which either were, or might have been made, adequate to compensate for the withdrawal of the companionship of fellow-prisoners. At the same time the positive sources of danger were neutralised, so far as it is possible to neutralise them under penal discipline without giving license to licentiousness and immunity to crime. One remedial provision was, the certainty



of punishment. A slight chance of escape, or a misplaced hope, will be the flickering wild-fire after which the mind of the desolate captive will wander. Another remedial provision was, to infuse into the convict's lot enough of hope to lead the mind onwards, and so to moderate, sufficiently to enable him to bear it, the present severity of a terrible doom. The third and most important remedial provision was, the soothing and sustaining influence of sympathy, of kindness, and of religion, so much relied on in the alleviation of *actual insanity*. By these means the contrite offender is brought to acquiesce in the justice of a merited punishment, and emboldened to confide in the mercy and providence of a propitiated God. These were the features by which the original system was characterised in so remarkable a degree ; and since they are precisely those features in which, concurrently with the increase of insanity, the system has recently deteriorated, it is consonant with reason to conclude, that the increase of mental disease is to be attributed to the decreased efficiency of those reformatory agencies. The decrease of reformation alone has left the minds of the prisoners more exposed to disturbing influences.

Upon one point, perhaps, our anticipations will be contradicted by experience. It might have been supposed that the remorse inseparable from contrition, would be the characteristic danger in separate confinement. The results at Pentonville, however, disprove this assumption. To the spirit wounded with godly

sorrow for sin the consolations of the Gospel prove an unfailing balm. If the remorse proceed from a mere recognition of the folly and fruitlessness of crime, experience proves that the mind is sufficiently supported by the invigorating influence of virtuous feelings and wise resolutions. It *may* be, indeed, that reason is sometimes disturbed by the recollection of past indulgences, or by the pressure of strong passions cherished with unsatiated, and now insatiable, lust. But observation leads me to the opinion, that it is from the *unsettling* or *irritating* effects of these or other influences, rather than from depression, that danger is chiefly to be apprehended. The directly reformatory influence of the discipline will therefore be adapted to neutralise this source of danger.

The correctness of the preceding conclusion, namely, that in separate confinement the mental health depends mainly upon, or may be controlled by, the moral elements of the discipline, receives some confirmation from the educational statistics of the mental cases.

Among the sustaining moral and reformatory elements of the original system, one of the most important is the collective instruction in the school. Now, it has happened that the several school classes into which the prisoners have been divided, have received different amounts of collective instruction; and it will be seen in the following Tables, that, as a general result, the amount of insanity has been *greatest* in those classes in which the amount of collective moral instruction has been *least*.

Changes having been made in the division of the classes, and in the hours of their attendance, there is difficulty in reducing the returns to uniformity. They are represented, however, as correctly as possible.

*TABLE, showing the School Classes of Twenty-two Prisoners attacked with Insanity during Eight Years, from the Opening of the Prison, on the 22nd December, 1842, to the 31st December, 1850.*

Description of School Class.	No. of Prisoners attacked.	Proximate Average in each Class.	Comparative Proportions of Numbers attacked in 1000, estimated according to the sum of the preceding averages.
1st Class . . . . .	6	133	5·6
2nd Class . . . . .	3	138	2·7
3rd Class . . . . .	13	198	8·2
Alphabet division of the 3rd Class included above . . . . .	8	40	25

It will be observed in this Table, that the proportion of insanity has been much greater in the third class than in any other, and that it is greater in the first class than in the second. Now it has happened, that during a considerable period the first and the third classes received only four hours' collective instruction in each week, and that the second class received eight hours' collective instruction weekly. It will be seen, also, that the great preponderance of the insanity has been in the third division of the third class. This section of the lowest class is composed of men learning the alphabet, or spelling little words. At one period they did not attend school at all; but, when

in school, it is obvious that they are occupied in an exercise, monotonous, almost mechanical, and very dissimilar to the invigorating mental exercise of general and catechetical instruction. The feelings of these men are not so much interested, and their minds are not so much stimulated, as in the case of the other classes; and, in general, many remain listless while one is spelling over his syllables. It is also to be borne in mind, that the prisoners in this class have not the additional mental exercise and relief, and the moral benefit, which the higher classes derive from reading the sacred Scriptures, and other books, in their cells. The time allowed the other classes for self-improvement, when not in school, affords considerable support for the mind; to those who cannot read tolerably well it affords little or none.

These returns, also, will preclude the hypothesis, that mere deficiency of intellect has been the predominant cause of insanity. That assumption is disproved by a comparison of the results in the first and second classes. The first class is both the most intelligent and the best educated, yet the amount of insanity in this class is greater than in the second. But the second class has generally received a greater amount of collective instruction.

Nor does the excess in the first class above the second arise from the fact that the first contains prisoners of superior rank in life, by whom the punishment is felt more severely than by others. For, in the first place, attachment to home, and to wives and families, is quite as strong among the poorest class,

and those of inferior intellect, as among the higher grades of criminals ; and in many cases it is stronger. But the superior class of prisoners contemplated by this hypothesis is not numerous, and it has not been from among them that the excess of insanity in the first class has arisen.\*

These results, by themselves, would be insufficient to sustain any conclusions ; but as incidental indications of the correctness of an inference deduced from extended data, and in accordance with general laws, they may not be without value. At least they indicate the importance of collective instruction, as a means of preserving the mental health in separation. In fact, this kind of instruction, in which the prisoners, though still kept separate from other prisoners, both read, and ask and answer questions, both singly and simultaneously, is, for all mental purposes, *prison association stripped of its demoralizing character*. It is, in short, moralizing instead of demoralizing society.

The conclusion, already deduced from a variety of evidence, will be confirmed rather than invalidated, if

\* It appears, from a careful examination, that the cases of insanity among those prisoners who were attending school for six or eight hours weekly, were in the proportion of about three in 1000 ;—among those attending four hours weekly, they were in the proportion of from four to five in 1000 ;—among those attending rarely, or not at all, in consequence of the attack having occurred shortly after admission, or from sickness or other causes, the proportion was about eighteen in 1000 ;—if those who were attacked very shortly after admission are excluded, still the cases which occurred among those attending school rarely or not at all, were in the proportion of about nine in 1000.

the recent increase of insanity may in some degree be traced to the deterioration in the criminal character of the prisoners. For, if the moral elements of the discipline possess the influence traced to them, it will be in accordance with the same general law if the results are affected by the moral character of the subjects of that discipline.

It has been inferred, that the seclusion of the cell will only be negatively injurious to the mental health, in case those moral elements are inadequate. But when a deficiency of those reformatory and sustaining influences, exposes the mind of the prisoner to excessive risk, the danger will necessarily increase with an increase in the predisposing causes of mischief.

The following Tables will exhibit the criminal statistics in the cases of the twenty-two prisoners attacked with mania, or complete insanity, during eight years, from the opening of the prison, on the 22nd December, 1842, to the 31st December, 1850. They will also show the proportions between the numbers attacked in each criminal class, and the total number of the same class admitted into the prison.

**TABLE, showing the Criminal Character and Sentences of Twenty-two Prisoners attacked with Insanity, from the Opening of the Prison to the 31st December, 1850; also the Proportions between the Number admitted and the Number attacked in each Class; also the Numbers of Single and Married Men admitted and attacked.**

Classes of Prisoners.	No. of Prisoners attacked.	No. of Prisoners admitted.	Proportion per 1000 attacked in each Class.
Sentenced to seven years, and under ten	10	1777	5·62
„ ten years . . .	8	1263	6·33
above ten years . .	4	506	7·90
Stealing, Larceny, and Felony undefined	9	1744	5·2
Housebreaking and Robbery . .	6	876	6·9
Horse, Sheep, and Cattle-stealing .	3	306	9·8
Forgery and Uttering . . .	1	98	10·02
Rape, and Assault with intent, &c. } (including Unnatural Crimes)	1	69	14·5
Stabbing and Shooting, with intent, &c. } (cases of manslaughter, and cutting and wounding, being included) . . }	2	71	28·2
Not included in the above classes .	„	382	„
Not known to have been previously convicted . . . . . }	10	1835	5·4
Previously convicted . . . . .	12	1711	7·6
Married . . . . .	4	964	4·1
Single and Widowers . . . . .	18	2582	6·97
Totals of all classes . . . .	22	3546	6·2

These returns, like the preceding, are too limited to allow any importance to be attached to the exact

proportions indicated ; but they certainly exhibit a general result which confirms our previous deductions. There is an increase of insanity in proportion to the length of the sentence ; that is, in proportion to the severity of the punishment, which is generally an index to the criminality of the prisoner. There is an excess of insanity also among those previously convicted, in comparison with the amount among those not known to have been previously convicted ; and persistence in a criminal career, after the experience of severe or repeated punishment, is certainly one indication of excessive criminal passion, and of an absence of self-control. The total number attacked among the gravest classes of offenders is so limited, that the excessive proportions in those classes may, no doubt, be attributable, in a degree, to other causes accidentally coinciding with conviction of those particular crimes. The omission also of 382 prisoners who do not fall immediately under any of those classes in which insanity has occurred, is not to be overlooked, since the proportions obtained will be somewhat varied according to the distribution of these cases. Some of them, probably 183, might be correctly included under the class of "Stealing, Larceny," &c., by which addition, the proportion of insane cases in that class would be reduced to 4·7 in 1000 ; but among the 199 which remain, there are included crimes of the gravest character. Still, these results indicate with sufficient clearness an increase of insanity with increased gravity in the character of the crime ; although perhaps the conclusion which they sustain



is, that the mental disease has been connected rather with general demoralization of character, than with the perpetration of this or that particular class of crimes. The return of the married and single is added, since they appear to corroborate this conclusion. Unmarried men, when they are pursuing a criminal career, will, as a class, be much more demoralized than the married. This return also corroborates another opinion already advanced, namely, that danger to the mind of the prisoner arises rather from irritation than from depression.\* Married men under sentence of transportation, certainly suffer more from grief than the unmarried, but, apparently, a much less amount of mental disturbance.

In concluding this part of the investigation, it may be necessary to revert to the fact, that the recent deterioration in the criminal character of the prisoners has occurred *concurrently* with a deterioration in the moral elements of the discipline. The departure from the original system had commenced before the admission of the worst class of convicts, and had been accompanied by a marked increase of insanity ; but it has been under the combined action of both causes that the year 1850 has been characterised by so great an increase of mental disturbance. There is no ground,

\* I observe that the Earl of Chichester, in the evidence given by him before the Committee of the House of Commons, attributes a propensity to commit suicide among prisoners rather to irritating than to depressing influences. Minutes of Evidence, Question 6664.

therefore, for the assumption, that the amount of insanity under the Separate System will necessarily be excessive among the worst classes of criminals, provided the moral elements of the system are *adequate*. Whether it be advisable to subject this class of criminals to a reformatory discipline, is a distinct question. Until the attempt has been fairly made, and has proved abortive, self-interest would dictate the experiment. If, however, the attempt be made, it is not unreasonable that our efforts to reform should increase with the greater difficulty of the task. But by increasing the reformatory agency, we are also increasing the safeguards against insanity. Even, therefore, if the probability of reforming such criminals should be deemed slight, it becomes a question which merits consideration, whether it may not be politic to make the experiment ; while by the increased moral means employed for that purpose, we shall be guarding the mental health against any excess of danger, and thus be rendering the most severe kind of punishment a safe infliction for the worst classes of offenders.

### III. *Of the Mental Results at Pentonville before and after the Twelfth Month of Separation.*

The deliberate testimony of the Commissioners, already adduced, is conclusive evidence to the safety of a protracted term of separation. While in the passages quoted, the Board continued year after year to reiterate their confidence in the original system, the average term of imprisonment was eighteen months, and nearly half the prisoners were detained *beyond*

that period, for terms ranging to two years. The Commissioners insisted much on the necessity for the alleviations of instruction, employment, and visitation, which had been so judiciously introduced at Pentonville; but of the safety of the original term, so long as that term continued to be enforced, they expressed their unqualified approbation. That is to say, so long as actual experiment could have supplied results adverse to the safety of the original term, so long did that experiment fail to supply such results; but, on the contrary, the results obtained were deemed by a Board of great intelligence and great experience, indicative of the exact reverse. Evidence could hardly be stronger.

I know not whether results at other prisons may appear to furnish data for a different conclusion. I apprehend, however, that the conclusion to be deduced from the results at Pentonville, will not necessarily be invalidated even if such should be the case. For it has already been shown how great an influence has been exerted upon the mental health at this prison by the moral elements of the discipline. Adverse results of prolonged separation, where these moral elements have been inadequate, will therefore afford no test of its results when they are sufficient. The question is of the comparative effects, during the earlier and the later periods of a protracted term, of a *particular modification* of separate imprisonment. Different results, therefore, obtained under an essentially different modification of that system, will be irrelevant. It has been at Pentonville alone, in the prison

under the government of the Commissioners, that the effects of the original system have been tested upon a large scale during the second twelve months, the period during which the safety of the separation is the point in question; and according to the deliberate judgment of those Commissioners, the results at this prison attest the safety of that system during the original term.

Upon this point, also, Dr. Hampton's testimony is conclusive. When that experienced gentleman *felt* "bound to state, in the most emphatic manner, that it (the Pentonville system) *did not produce the slightest mental imbecility* in any of the 345 men under his charge," and that their minds were "in a much more healthy state than is usual among ordinary convicts," those 345 men had undergone an imprisonment at Pentonville for an average term *exceeding eighteen months*, and many of them for terms ranging from eighteen to twenty-two months.

The Surgeon-Superintendent of the next ship had 100 Pentonville prisoners under his care, of whose health, both mental and physical, he speaks in as strong terms as possible. These 100 prisoners had undergone an average imprisonment at Pentonville of *nineteen months and twenty-two days*; and 87 had completed terms *exceeding eighteen months, and ranging to two years*.

This accumulation of testimony from such unquestionable sources, could be shaken by nothing but an array of strong and incontrovertible facts. But if the

appeal be made from opinions to facts, or rather from facts as they are matters of opinion, to facts upon which no opinion is required, the preceding evidence will be fully corroborated. By the recent reduction of the term, upon the hypothesis that the separation is attended by increased danger to the mind when prolonged beyond the twelfth month, that hypothesis has been submitted to actual experiment:—and with what results? The reduction was made for the purpose of reducing the mental disease: the more the term has been reduced, the more the insanity has increased. It was reduced first in 1848, and there was an immediate increase; it was reduced again in 1849, and the mental health still further deteriorated; it was practically reduced further in 1850, and the amount of insanity in that one year was as great as in the whole five years under the original system.

The following Table will show the mental statistics and the population returns for each year since the opening of the prison.

TABLE, showing the Number of Cases of Mania and of Delusions, and the Numbers of Prisoners admitted and removed, during each year in 1843—50.

	1843.	1844.*	1845.	1846.	1847.	1848.†	1849.	1850.
Mania .	3	0	1	1	1	5	4	7
Delusions .	5	0	2	5	1	2	1	11
Suicides .	0	0	0	0	0	1	1	1
—	—	—	—	—	—	—	—	—
Admitted .	525	240	283	243	360	519	599	777
Removed .	24	408	132	386	200	513	621	696

From these returns, it is plain that the insanity has invariably increased when a greater number of new prisoners have been admitted, and that it has decreased when the greatest number of old prisoners have been retained in the prison.

The operation of this law will be the more clearly seen by comparing the sum of the mental cases which have occurred during those years in which the prison has contained the greatest number of new prisoners undergoing the earlier period of their imprisonment, with the sum of the corresponding cases during those years in which it has contained the greatest number while undergoing the later portion of the longer term (of imprisonment).

The years in which the prison has contained the

\* In this year the prison contained the greatest number of prisoners retained *beyond eighteen months*.

† In this year the term was first reduced. Two of the cases of mania were attacked within a few days of their admission, and the mental health was generally worse in 1849.

greatest number of newly admitted prisoners are the first year, 1843, during which all prisoners were recently admitted; 1848, during which a large number were admitted; 1849, and 1850. The years in which the greatest number have been retained in the prison, while undergoing the more protracted period of the original term, will be the years 1844, 1845, 1846, 1847. During these latter years the original rigid discipline and prolonged term remained in operation.

The following Table will exhibit corresponding statistics for those two periods.

Periods.	Average daily Population.	Insane.	Delusions.	Suicides.	Totals.
1844, 1845, 1846, 1847, being the period during which the prison contained the greatest number of prisoners undergoing the latter part of the original term of eighteen months .....	445	3	10	0	13
1843, 1848, 1849, 1850, being the years in which the prison has contained the greatest number of prisoners having undergone less than twelve months of separation.	486	19	17	3	39

These returns are sufficient to show that at Pen-tonville, under the Separate System, the insanity has not increased in consequence of the more protracted term. They prove more; and the more thoroughly the facts are investigated, the more complete the proof becomes, that instead of this hypothetical increase of liability to insanity with the length of the imprisonment, there is a positive *decrease*, and that,

when there is any excess of danger to the mind from the discipline, it is during *the earlier, not during the more protracted*, period of imprisonment that the danger is most imminent.

The twelfth month is the period which has been assumed as the limit beyond which separation cannot be safely prolonged. It is necessary, therefore, to compare the amount of insanity which has occurred within, with the amount which has occurred beyond that period. From the opening of the prison to the 31st of December, 1850, a period of eight years, there occurred altogether twenty-two cases of insanity: of these there occurred *before* the twelfth month, nineteen; *after* the twelfth month, three. During the same period there occurred twenty-six cases of slight mental affection, or delusion: of these there occurred *before* the twelfth month, twenty-two; *after* the twelfth month, four. There have also been three cases of suicide: they have *all* occurred *before* the twelfth month. When these three classes of affections are taken together, there have been in all fifty-one cases; and of these, forty-four have occurred *before*, and seven *after*, the twelfth month.

But the effect of time upon the development of mental disease at Pentonville, will be more accurately exhibited by distributing these cases under periods of six months.



TABLE, showing the Periods at which all Cases of Mental Affection have occurred at Pentonville during Eight Years, from the Opening of the Prison on the 22nd December, 1842, to the 31st December, 1850.

Description of Mental Affection.	Six Months and under.	From Six to Twelve Months.	From Twelve to Eighteen Months.	From Eighteen Months to Two Years.
Insanity . . . . .	14	5	3	0
Delusions . . . . .	13	9	2	2
Suicides . . . . .	2	1	..	..
Totals . . . . .	29	15	5	2

The question will immediately suggest itself,—to what extent may this decrease in the number of cases during each succeeding period be accounted for by a decrease in the number of prisoners retained for the longer terms? Before I adduce the population returns, however, I would observe that some of the insanity occurring among prisoners would be developed during the more protracted period of their imprisonment by the mere lapse of time, as in the case of an ordinary population. The point in question is,—assuming an excess of insanity to result from a cellular discipline, whether that excess is produced by the *duration* of the imprisonment? The term has been limited to twelve months upon the hypothesis, that all excess of danger to the mind under a separate discipline commenced beyond that period. Now the population returns will show that the number of prisoners retained at Pentonville beyond twelve

months has been amply sufficient to test the effect of a prolonged term of separation, and that the amount of insanity cannot be attributed to this assumed cause of excessive danger.

From the opening of the prison, on the 22nd of December, 1842, to the 31st of December, 1850, the number who had completed, on removal, terms exceeding twelve months, and ranging to two years, was 1862. The number removed before the twelfth month was 1166; and the number remaining in the prison having completed less than twelve months, 518. But during this period, as it has been stated, there occurred, before the twelfth month, forty-four mental cases of all kinds. If therefore there had been that accumulating danger to the mind towards the close of the original term (which this hypothetical objection supposes), then there ought to have occurred as many cases beyond the twelfth month as before it. Instead, however, of forty or fifty cases, we have—of slight affections, four! of decided insanity, three! and of suicides, none! making in all, seven!

As the mental cases have been distributed under periods of six months, it will afford a more complete view of the results, if the same distribution is made of the whole of the prisoners whose terms of imprisonment at Pentonville have terminated under the corresponding periods.

TABLE, showing the Terms of Imprisonment at Pentonville of 3546 Prisoners, being the Total Number admitted to the 31st December, 1850, together with the Mental Cases as reported to that date, distributed under Four Periods of Six Months.

Prisoners.	Six Months, and under.	From Six to Twelve Months.	From Twelve to Eighteen Months.	From Eighteen Months to Two Years.
Removed . . . . .	292	874	1138	715
Remaining in the Prison on Dec. 31, 1850 . . . . }	435	83	9	..
Total of Prisoners .	727	957	1147	715
Insane . . . . .	14	5	3	..
Delusions . . . . .	13	9	2	2
Suicides . . . . .	2	1	..	..
Total of Mental Cases .	29	15	5	2

TABLE, showing the Preceding Results distributed under Two Periods of Twelve Months.

Class of Prisoners.	Not exceeding Twelve Months.	Exceeding Twelve Months, to the Twenty-fifth Month.
Prison population . . . . .	1684	1862
Mental Cases . . . . .	44	7

It will be observed that the number of prisoners included under each period of six months is the number whose terms were completed during that period. A different distribution will, of course, be required for estimating the proportion of mental cases

to the total prison population in the several periods. But the returns will show most clearly, in their present form, the comparative number of individuals retained for the several periods. So long as a prisoner remains in separation, he acts as a test of the safety of the system during the entire term of the imprisonment actually undergone by him. It is when either his mind becomes affected, or he is removed uninjured, that a decisive result is obtained indicative of the safety of the particular amount of separate confinement which has been undergone by that individual. The sum of the results obtained at Pentonville from 3546 prisoners is indicated in the preceding Table, by representing the actual result in each *completed* term. And this distribution is analogous to that which would be made in ordinary gaol returns of the numbers respectively sentenced to the several terms of imprisonment.

It is important, however, that it should be borne in mind, that when a prisoner is removed from the cell uninjured, there is no proof that the term for which the separation may be prolonged with safety has been exhausted. The extent to which separate confinement *has been* prolonged without producing insanity is ascertained; the extent to which the separation *might* be safely protracted beyond its actual termination is not ascertained. But when the liability to mental disturbance is found to have decreased continuously as the term of separation has been prolonged, the result would, at least as an experiment, justify the extension of the term beyond the original

limit of eighteen months or two years, whenever further punishment or reformation is required, rather than its curtailment.

These results may perhaps at first sight appear anomalous: but they are not difficult to be accounted for. It has already been pointed out that, upon the mind of the criminal in separation, especially upon the convict under sentence of transportation, there are three classes of adverse influences in operation: the heavy blow of punishment; excessive demoralization of character; and the withdrawal of those associations which, in ordinary life, divert and sustain the mind. But the disturbing influence of each one of these causes is greatest during the early period of the imprisonment.

It is one of the few known laws of mental disease, that periods of transition from one extreme of feeling to its opposite are marked as critical to reason. Men inured to suffering will bear it without much danger. It is the *sudden* inroad of misfortune which either overwhelms the mind, or calls forth too violent an effort of resistance. That excessive effort will be followed by a prostration of the mental energies, and derangement will in some cases ensue, or the mind will be left in the power of slight disturbing causes, until it is rallied under new and invigorating influences. The same law operates even in the case of sudden prosperity. A great and unexpected influx of good fortune will sometimes destroy reason. This is reported to have occurred at the time of the South Sea speculation. A singular example of this law has been sup-

plied at Pentonville, by an occurrence to which I have already adverted. Of the three cases of insanity which have taken place after the twelfth month, one was produced by a too sudden return to association.

While the seclusion of the separate cell may have some tendency to produce insanity, by withdrawing those vicious alleviations to the mind which are supplied by the intercourse of prisoners in association, this system brings into operation other influences equally, or almost equally, counteractive of the danger. Mental culture, moral suasion, evangelical instruction, that instruction unimpeded, and the passions unexcited, by vitiating intercourse,—these were the distinctive characteristics of the separate system as it was at first carried out at Pentonville; and these are influences which can hardly fail to soothe, to assuage grief, to strengthen reason, and to fortify the moral character for bearing the strain to which it is subjected. But it has also been pointed out, that the effect of these influences, whether upon the mind or the heart, will increase with the duration of the imprisonment.

Whatever exception may be taken to this mode of accounting for the decreased danger to the mind during the more protracted period of separation, the fact will remain, that such a decrease has actually taken place.\*

In fact, whether we reason from the known laws of mental disease, or from actual results obtained at the only prison in which the most approved modification

\* I am happy that I can refer, in confirmation of these views, to a medical journal of great authority. See the "Medical Gazette" for November 29 and December 6, 1850.

of the separate system has been extensively tried beyond the assumed limit of safety, we are conducted to the same conclusion ; namely, that there is no excess of danger to the mental health beyond the twelfth month, and therefore no necessity to fix this limit to the term of separate confinement. On the contrary, the facts prove the exact reverse. The liability to insanity decreases ; it is less during the second six months than during the first ; it is less during the third than during the second ; and less during the fourth than during the third.

If we revert to the general effects upon the mental health of the separate system, the conclusion to which we have been conducted by these investigations is, that no excess of danger to the mind is to be apprehended from a rigorous adherence to the principle of separation, nor from a protracted term of imprisonment ; but that the danger, whatever may be its amount, arises from a combination of causes, among which are excessive demoralization of character, and severe and effective punishment ; and that isolation under these conditions may promote the influence of the disturbing causes, if the moral elements of the system are inadequate, *but not otherwise*. Of the system, however, propounded by the founders of Pentonville, these moral elements were no less an integral part than was the isolation of the cell.

It only remains to advert to two objections which will probably be deduced from the preceding views. If separate confinement is at all more dangerous to the mind during the early period of imprisonment,

it may be represented that such a system of discipline cannot be safe for general use, since the great majority of prisoners are sentenced to short terms. It might be replied to this objection, that provided the original system is maintained in its integrity, and judiciously administered, there is very little danger to the mind at *any* period; and that if there be any danger, it will admit of being counteracted by increased moral instruction, without infringing upon the separation. But can it be necessary to point out the essential moral difference between a short imprisonment, and the early period of a long imprisonment to be followed by *transportation*? or, between the demoralized character of offenders sentenced to two or three weeks' or two or three months' imprisonment, and of heinous or hardened criminals sentenced to transportation? In the one case, the prisoner is only withdrawn for a few weeks, from his family or his criminal indulgences. The current of his ideas and passions, whether virtuous or vicious, is scarcely interrupted; and the moral shock is consequently *slight*. In the case of the transport it is *severe*.

But the objection has been practically refuted. The separate system has for years been in operation in numerous County and Borough Gaols, to which prisoners are consigned for terms of all lengths, and the separation under these conditions has *not* been characterized by the development of insanity to a greater extent than imprisonment upon any other system. This is the recorded experience of Mr. Percy, the Inspector of Prisons for the South Western



District. In his report for 1844-5, Mr. Percy has stated, that he had eighty prisons under his inspection, "of which seven were on the separate system; that the daily average population of the whole was 4361, of the prisons on the separate system, 644; that nine cases of insanity developed themselves during the year; but that not one of those cases occurred in any separate prison."

This experience will obviate another possible objection. In County and Borough Prisons, where the majority of the prisoners are detained for short terms, it might be thought useless and too expensive to bring to bear upon each prisoner the amount of moral and religious instruction indicated as necessary at Pentonville. It will be seen, that in ordinary prisons it is not *necessary* to do so. With the transported convict, greater demoralization of character, and more severe punishment, require additional precautions to render that punishment safe. It may, however, be accepted as a safe rule, that whatever amount of instruction and visitation may be required, to guard the mental health against the severity of the punishment, will compensate for its cost by its reformatory effect upon the moral character.

In all well regulated prisons some moral instruction will be afforded: the slight danger to the mind which the separate system may possibly involve does not create a necessity for any excessive amount of moral culture: it only enforces the providing of that amount which, upon purely moral considerations, ought to be afforded under any system.

## SECTION II.

*Of the Bodily Health.*

THE term of separate confinement has been limited to twelve months, upon the twofold ground of preventing a supposed excess of injury to both the mental and the bodily health. Since the results of this change have completely invalidated the objection to the original system in reference to the mental health, it need not excite surprise if the objection, on the ground of the bodily health, should be found equally invalid. The proofs which I shall adduce upon this question will, of course, mainly rest upon the testimony of competent and high medical authority ; while, at the same time, the facts which the records of the prison supply will, I believe, by most inquirers be regarded as conclusive.

There are three points of inquiry : the amount of the mortality ; the amount of severe sickness ; and the general health.

The effect of the original system upon human life may be tested by comparing the mortality at Pentonville with the mortality among the general population, with the average mortality throughout the prisons of England and Wales, and with the mortality at Pentonville since the term has been reduced.

The medical returns for Pentonville which are required for these comparisons, are recorded very fully in the yearly reports of Dr. Rees, who acted as principal medical officer to the prison from its open-

ing to the end of 1850, a period of eight years. From these reports it appears, that the average yearly mortality, during the five years in which the prisoners were retained for eighteen months or two years, was 6·15 in 1000. The yearly mortality among that portion of the general population which corresponds in age with the prisoners at Pentonville, has been ascertained to vary from 9·71 to 12·42 in 1000.\* From the gaol returns published by the Inspector of Prisons for the Home District, it appears, that during the same years, namely from 1843 to 1847 inclusive, the average mortality throughout the prisons of England and Wales was 11·14 in 1000, which is nearly double the mortality at Pentonville. Since the reduction of the term, the average mortality during three years has been 7·5 annually in 1000.

A practice has prevailed at Pentonville of recommending for pardon prisoners labouring under such disease as would probably prove fatal if the individuals were retained. The average number of these pardons on medical grounds was, under the original system, in the proportion of 9 in 1000. It is not to be concluded, that the whole of these cases terminated fatally: the contrary is known to have been the fact; and if it is assumed, that three-fifths were irrecoverable, the proportion will probably be sufficiently high.†

\* See the Report on Pentonville Prison, by Sir Benjamin Brodie, and Dr. Ferguson, page 4.

† Of the comparatively few persons so pardoned, who resided in London, I have personally known several in good health a considerable time after their liberation. The exact number who recovered was never ascertained; and in different reports various

If these cases are added in this proportion to the actual deaths, the mortality will average 11.55 in 1000—a rate of mortality almost identical with that of the free population of a corresponding age. This result shows very clearly that the discipline and general arrangements at Pentonville could not have been unfavourable to life. The demoralized habits of a very large proportion of the prisoners, previously to their imprisonment, must have been excessively injurious to health; and the depressing influence of a severe punishment, as of all kinds of grief, must also have been prejudicial.\* But since the mortality, under the original system, very nearly corresponded with the average mortality among the free population of the same age, these unfavourable influences must have been counterbalanced.

The comparison of the mortality at Pentonville with that at other prisons, is not affected by the number of these pardons, since the same practice prevails in all prisons. The gaol returns last pub-

proportions of these pardons are estimated as part of the mortality. The proportion generally taken is three-fifths. And it deserves to be noticed, that cases of death can only be fairly included in the mortality at the prison, when they occur *within* the period during which the prisoners should have been retained if they had completed their term of imprisonment.

\* The annual mortality in the Foot Guards is stated to be 21.6 in 1000 (See Quarterly Review for December, 1847, page 190). This considerably exceeds the mortality in the general population of a corresponding age, although the soldier is selected, and has important advantages above a large portion of the labouring classes. The causes of this excess cannot fail to operate to a greater extent among a body of criminals than among the first Regiment of the Line.

lished show, that in 1849, 92 pardons were granted upon the same ground throughout England and Wales. The average daily population having been 18,288, the number of pardons was in the proportion of 5·03 per 1000. But of the entire number committed to the prisons of England and Wales in that year, very nearly half were committed or sentenced for less than two months, and more than half for less than three months. The exact numbers were :—

Total number of prisoners	. . .	166,942
Sentenced or Summarily Com-		
mitted <i>for less than 14 days</i>	25,011	
„ <i>for 14 days, and</i>		
<i>less than 1 month</i>	. . .	30,157
„ <i>for 1 month, and</i>		
<i>less than 2 months</i>	. . .	25,512
	<hr/>	80,680
Sentenced or Summarily Com-		
mitted <i>for 2 months and upwards</i>	86,262	
„ <i>for 2 months, and less than</i>		
<i>3 months</i>	. . . . .	10,568
	<hr/>	
For 3 months, and upwards	. . .	75,694
	<hr/>	

Now, when prisoners, whose terms of imprisonment do not exceed two or three months, are attacked with lingering disease which will probably prove fatal, the expiration of their imprisonment will be so near at hand, that they will be liberated in the ordinary course of events almost as soon as a pardon could be procured. In all such cases, therefore, the exercise

of the royal prerogative would be uncalled for. It is, consequently, the proportion of the pardons on medical grounds, to the number of prisoners throughout England and Wales whose sentences exceed two or three months, that ought to be compared with the proportion of those pardons to the population at Pentonville. The proportions, when calculated upon this principle, will not greatly differ. At the same time, the proportion of actual deaths throughout the prisons of England and Wales was, as already stated, nearly double that at Pentonville.

Since the recent changes in the discipline, the proportion of these pardons has been somewhat less than formerly, partly in consequence of the recent introduction of a practice of removing prisoners to an invalid hulk, or other convict establishment, as soon as they exhibit signs of failing health; and partly from the operation of a cause which will subsequently be noticed. Nevertheless, the proportion of these pardons, during the last three years, has been 7·5 in 1000 : formerly it was 9 in 1000.

But the conclusion to be deduced from these results will probably be questioned, upon the ground that the early prisoners underwent medical examination before their admission to Pentonville. In reference to the effect of this selection upon the mental results, it has been shown that the facts have been considerably misapprehended. I believe that its effects in securing favourable physical results, have been equally over-estimated. It has been already stated, that the first 469 prisoners—that is, about

*one-third of the entire number removed under the original system*—were not selected by either Mr. Crawford or Mr. Russell; nor were they selected at all with reference to physical health. This is proved by the fact, that there were included among them men who had organic disease and physical defects, which rendered them unfit, either for the discipline of the prison, or for becoming useful colonists.\* It is true that the prisoners underwent medical examination at Pentonville; but they were not rejected by the medical officer, nor did the regulations of the prison allow them to be rejected by him, unless there were clear indications of disease impending, if not actually developed. In fact, the proportion rejected was very small; and many were admitted whose health was much impaired by previous licentiousness and punishment. The effect, therefore, of that selection was at least so counter-balanced by the previous habits of the prisoners as not to invalidate the comparison of the mortality at Pentonville with the mortality among the general population.

Nor will the comparison of the mortality at Pentonville with that at other prisons be invalidated. It is

\* Some prisoners of this description were admitted before the Medical Officer was aware of his power to reject them, and fifteen were afterwards removed. Among the causes assigned for their removal, the following occur:—"Distorted spine, and Consumptive tendency; Organic disease of the heart; Received an injury in the head; Chronic disease of the chest; Lost an arm; Scrofulous disease; Diseased hip," &c.: and these causes of removal existed at the time of admission. Second Report of the Commissioners, pages 49 and 50.

true, that at ordinary gaols the prisoners must be admitted, whatever may be the state of their health ; but the circumstances under which they are committed to those prisons are very different from the circumstances under which the convicts were removed to Pentonville. A large majority of the prisoners throughout England and Wales are sentenced to only a few weeks' or a few months' detention, and nearly half are summarily committed. But a man will not usually possess the physical energy necessary for the perpetration of crime, if he is in that state of failing health that he is likely to die, or to become hopelessly ill, within a few weeks or a few months. The Pentonville prisoners were all convicts under sentence of transportation ; they had, therefore, in all cases, been detained some time for trial at the quarter sessions or assizes ; they remained some time after trial at the local prison ; and, after the first 469 prisoners, an additional period was spent by them at Millbank, one of the most unhealthy prisons in England, where serious disease is often and early developed. These several periods of detention allowed time for failure of health ; and prisoners, in such cases, were rightly excluded from a penal institution, when the object of their admission was to inflict upon them a further and rigorous imprisonment. The fact that, with the great majority of the prisoners at other prisons, so short a time elapses between the perpetration of their crimes and the expiration of their imprisonment, will operate quite as effectually as the selection at Pentonville to exclude



persons in whom dangerous disease is developed, or immediately impending.

Nor does this selection of the early prisoners invalidate the comparison between the mortality under the original system and under the altered system. Dr. Rees, in his Report for the year 1850, has stated, that there is no material difference between the nature of the selection at the two periods. If a few men are now admitted who might formerly have been excluded, there is more than a compensation for this difference in the removal of such cases during the more recent period. In reference to this point, Dr. Rees remarks,\* "No selection of prisoners on admission, however carefully performed, could possibly have had the advantageous effect on the yearly return for health, both mental and physical, that this kind of pruning from time to time must have produced."

If an unprofessional observer may be allowed to form an opinion upon the question, I am inclined to think that in many cases that early selection operated rather prejudicially in the matter of health. It was made primarily with reference to criminal character; and the prisoners were taken chiefly from the class of convicts sentenced to short terms of transportation,—a class which contains a large proportion of the refuse population of towns; of men in a worse physical condition than the class of bolder offenders, and who commit less aggravated crimes than others, from the

\* See Appendix to the Report of the Commissioners for 1850, pages 59 and 60.

fact that they are less vigorous.\* It has certainly appeared to me, that the majority of the prisoners have exhibited a more robust appearance at the time of their admission, since they ceased to be selected by Mr. Russell and Mr. Crawford. Without placing reliance, however, on an individual opinion, the actual results show that the mortality has undergone very considerable variations in different years, both under the original system, during the continuance of the selection, and under the altered system, since the original principle of selection was relinquished. The fact that such variations have occurred at both periods, is a sufficient indication that the mortality has depended upon other causes rather than upon either the discipline or the selection.

Since, therefore, no uncertainty is introduced into the preceding comparisons of mortality, either by the pardons granted at Pentonville on medical grounds, or by the selection of the early prisoners, it may be well to exhibit the results more clearly in a tabular form :—

\* The correctness of this opinion is somewhat confirmed by the experience of the colonists, by whom the long-sentenced men were found to be the best workmen.

*Table showing a Comparison of the Average Mortality at Pentonville Prison under the Original System, with the Average Mortality in the Free Population of the same Age, with the Average Mortality throughout the Prisons of England and Wales, and at Pentonville under the Altered System.*

Population.	Proportion of Deaths, annually occurring, in 1000.
Pentonville Prison under the original system; annual mean from 1843—7 . . . . .	6·15
Pentonville Prison under the altered system; annual mean from 1848—1850 . . . . .	7·5
Prisons of England and Wales,* annual mean from 1843—7 . . . . .	11·06
General population between the ages of 20—40; annual mean . . . . .	11·14

A comparison of the *sickness* at Pentonville, and in the prisons throughout England and Wales, will be equally satisfactory. It appears that at Pentonville the average annual number of *severe* cases, under the original system, was only 15·8, with an average daily population of 422·76. This is in the proportion of 37·37 in 1000. The average annual number of cases treated as *infirm* cases, throughout England and Wales, during 1847, 1848, and 1849,† was 6616,—the average daily population having been 16,312. This is in the proportion of 405·63 in 1000. Thus the number of infirm cases throughout England and Wales was more than ten times greater in proportion than the number of severe cases at Pentonville. This

\* Very nearly half the prisoners are committed to the prisons of England and Wales for less than two months.

† The returns are not complete for the preceding years.

difference must arise, in a great measure, from the removal of cases to infirmaries in other prisons, which would not be classed as severe at this prison. Still, a difference so remarkable can hardly fail to be accepted as evidence that the health of the Pentonville prisoners could not have been injuriously affected under the original system.

It may, perhaps, be more satisfactory to exclude this source of uncertainty, by comparing the amount of sickness, when the severe and slight cases are taken together. Now, the average yearly number of all cases, under the original system at Pentonville (cases requiring a simple purgative alone omitted),\* was 930. This was in the proportion of about 21·99 cases to 1000 prisoners. The average number of all cases throughout England and Wales, during 1847, 1848, and 1850, was 49,955, which was in the proportion of about 30·62 cases to 1000 prisoners.

These comparisons will be sufficient to show that, from the first, the mortality, and, even if a very large allowance is made for disturbing causes, the sickness have been considerably greater throughout the prisons of England and Wales than at Pentonville, notwithstanding the rigour of the discipline and the length of the original term.

The Reports of the Commissioners for 1848, in

\* These cases are omitted, since they are not usually included in the returns from other prisons. If they were included, there would probably be a slight excess at Pentonville. And really, the objection to the original system, on medical grounds, will amount to no more than this, that purgatives have been required more frequently than at some prisons.

which year the term was first reduced, and of Dr. Rees for 1850, in which year it was very greatly reduced, show that these reductions were not followed by any improvement in the health of the prisoners. And although the unfavourable variations in those years are probably attributable to causes unconnected with the changes in the discipline, there still remains a total want of evidence for any necessity for those changes on the ground of physical health.

The third point for inquiry is the general state of health among the prisoners, apart from the cases of severe sickness. Upon this question the testimony of the Commissioners is conclusive. I am aware that the reports of boards do not always command implicit assent. In the present case, however, the question of good health or bad health is simply a matter of fact, of which such men as the Pentonville Commissioners were certainly competent witnesses. The facts, moreover, all lay within the walls of the prison, of which they were frequent visitors.

The following are extracts from the yearly reports of the Board :—In the Second Report, after the first year's experience, they say, "The general state of the health has been most satisfactory." In their Third Report, "The general health of the prisoners has been most excellent." In the Fourth Report, "The system is safe and efficient, and capable of general application." In the Fifth Report, "The health of the prisoners has generally been excellent." The Fifth Report contains a very careful review of

the whole of the facts elicited during the first four years of the experiment, with the deliberate opinion of the *Medical Commissioners*, founded upon these facts, and upon their own general observation. The following passage expresses the conclusion at which they arrive:—“ It is not to be supposed that a number of individuals, confined within the boundaries of a prison, under any system of discipline, should retain the same degree of muscular development and the same florid complexion, which they possessed when they were accustomed to bodily exercise in the open air. Nevertheless, the health of the prisoners has generally been *excellent*.” After estimating the mortality at 14·9 per 1000 annually, upon the assumption that, out of seventeen pardoned on medical grounds, so large a proportion as thirteen were to be included as deaths, and, including two cases of death which occurred *after* removal from Pentonville, they proceed as follows:—“ Comparing this mortality with the annual mortality of the general population, we find that it exceeds that among persons of the same age as the Pentonville prisoners, by about 4 per 1000. But it is to be observed, that it is abundantly proved by statistical observation, that the mortality of individuals confined in prisons, everywhere, is much beyond that of the rest of the community. As compared with that of other prisons, the mortality of Pentonville is below the average.”

In the Sixth Report,† the following passage occurs :

\* Fifth Report of the Commissioners of Pentonville Prison, p. 10.

† Sixth Report of the Commissioners, p. 5.

“From these facts, it appears that the system of separate confinement, conducted as it is at Pentonville, and the results being compared with those in other prisons, in which there are long terms of imprisonment, cannot be regarded as unfavourable to human life. Nor does it affect the accuracy of this conclusion, that individuals labouring under any serious disease are not admitted into the prison,—this advantage being, at the least, counterbalanced by the circumstance, that the previous habits of a large proportion of the prisoners have been such as could not fail, in a greater or less degree, to impair their constitutions, and make them more liable to disease than ordinary persons.”

“It is true,” the Commissioners add, “that a question may still be raised, as to the effect which a long and continued separate confinement produces on the health of the convicts afterwards. In reference to this point, we have taken some pains to trace their history subsequent to their leaving the prison.” The result of these inquiries is stated to be, that the mortality of the Pentonville convicts, during the voyage to New South Wales, was “in the proportion of no more than 1 to 295; whereas the mortality among the whole numbers of convicts, transported during the ten years which elapsed from 1837 to 1846 inclusive, was in the proportion of 1 in 121.”

These reports carry the experiment to the end of 1847. In the beginning of 1848, while the last of those reports was in the press, the term of separate imprisonment at Pentonville was first

reduced. In the report for that year, the Commissioners express regret, that "As to the health and mental condition of the convicts, we have to make a much less satisfactory report than in any of the former years since the prison was established." In the following year, the second reduction was made. Twelve months became the maximum period of separation; and the actual average term at Pentonville was about nine months. The reports of Dr. Rees, for the years 1849 and 1850, show clearly that this further reduction of the term was not followed by any improvement in the health of the prisoners.

It only remains to adduce the testimony of the surgeon-superintendents, under whose care the convicts were placed during the voyage to Australia.

The following is the testimony of Dr. Hampton, the surgeon-superintendent of the "Sir George Seymour," in which 345 of the first prisoners were embarked:—"During the term the convicts were on board, sixty-four were put on the sick list, and only one died at sea. Such an *exceedingly good state of health* may in part be attributed to the free ventilation kept up in the prison, and the strict cleanliness of the men's berths, persons, clothing, &c." This testimony is the more conclusive, since the whole of these 345 prisoners had undergone an average imprisonment at Pentonville of nearly nineteen months; and above 200 had been retained, under the original rigorous seclusion, from eighteen to twenty-three months. The surgeon-superintendent of the second



ship reported, at the termination of the voyage, that "the prisoners were in excellent health, more so than the soldiers of the ship;" and that, "in his opinion, they were healthier than the same number of men out of a man-of-war would have been." The number of convicts embarked in this vessel was 100, of whom 88 had been detained at Pentonville, under the original rigorous discipline, for terms *exceeding eighteen months, and ranging to two years*; and the average imprisonment of the whole was very nearly twenty months. I have myself perused reports fully as favourable from the surgeon-superintendent of every ship but one, so long as the original system and original term continued in force. I believe that no report was received from that gentleman. One writes,\* "On the occasion of inspecting the Pentonville prisoners for embarkation on board the ———, I then spoke of their physical appearance as being superior to that of the Millbank men; on embarkation, and during the voyage, they suffered less from sea-sickness and other casualties than either the Millbank or the Parkhurst boys.† They arrived in most excellent health at Port Phillip, and were the first men to get employment." Another writes:—"The prisoners embarked on board the ———, from Pentonville Prison, and placed under my care, were healthy; and not only continued so, during the whole voyage to

\* I omit the name of the ship and of the surgeon, because the extracts are from private letters.

† The Parkhurst boys are employed in association, and in outdoor labour after the first three months of their imprisonment.

Van Diemen's Land and Port Phillip, but left the ship in exceeding good health. All those prisoners employed at Geelong and Melbourne, during the period that I remained at either place, whether as husbandmen, bricklayers, or blacksmiths, &c., exhibited strong physical powers, sufficient, with ordinary prudence, to sustain them in the continual discharge of their respective duties. Indeed, some of the employers seemed pleased to engage them, and several testified their satisfaction, by expressing the good opinion they entertained of *their general health and robust appearance.*"

This chain of evidence is rendered complete by the deliberate statement of the Geelong Emigration Society, that the exiles by the "Sir George Seymour" were found to be "useful and efficient workmen." Those exiles had undergone an average imprisonment at Pentonville of more than eighteen months.

These concurrent testimonies from the Board of Commissioners, from the physician to the prison, from surgeon-superintendents, and from the colonists, prove that neither excessive mortality, nor any general injury to health, resulted from the original rigorous and protracted separation.

In the absence of any authentic statement, it is merely matter of conjecture what facts have been accepted as evidence of a necessity for limiting the term of separate confinement at Pentonville to twelve months.

There is reason to believe that the results at other

prisons have been relied upon. It is well known, however, that at those prisons, the diet was insufficient, and that the impaired health of the prisoners was to be attributed to protracted imprisonment upon insufficient diet, not to prolonged separation.

The Pentonville Commissioners bestowed much attention upon the subject of diet during the first year after the prison was opened, and not less than five different dietaries were tried for a sufficient time to test their effects. The liberal dietary finally adopted has been objected to by some persons as an undue indulgence to the criminal, and as a necessary consequence of the separation. But the objection is founded in an oversight of the fact, that if criminals are to be severely punished by any method, they must be sustained. When heavy inflictions are laid upon them, and the support which the body requires is withheld, their health will in many cases be impaired, and the consequences will be as costly as the treatment would be inhumane.

The greater grief induced by a discipline which is effective may *possibly* require increased nutrition. If so, the necessity for that increase can only be obviated by sacrificing the efficiency of the punishment. The substitute usually proposed for separate confinement is hard labour. But labour, sufficiently hard to be severely penal, will require a more liberal diet than is required in separate confinement. This is conclusively proved by the fact, that the dietary at the Public Works is more liberal than at Pentonville. And

at Pentonville itself, since the system has been relaxed and the term reduced, when prisoners are taken out of separation and placed to work together in the open air, they are allowed a considerable addition to the diet which was allowed under the original rigorous discipline and protracted term of eighteen months and two years. There are prisons, however, in which the diet is known to be insufficient when the duration of the imprisonment exceeds a few months; and in those prisons the health is frequently impaired, whether separation is, or is not, enforced. All adverse results at such prisons will therefore be irrelevant.

It is objected by some that a long term of seclusion impairs the muscular strength; and it has been observed that some of the Pentonville prisoners have exhibited a pallid appearance. The Commissioners recognise this objection in a passage already quoted from the Fifth Report:—"It is not to be supposed," they write, "that a number of individuals confined within the walls of a prison, under any system of discipline, would retain the same degree of muscular development, and the same florid complexion, which they possessed when they were accustomed to bodily exercise in the open air. Nevertheless the health of the prisoners has been *excellent*."

The surgeon-superintendents, in one or two cases, advert to these effects of withdrawal from accustomed exposure and muscular exercise; but they state that the period of the voyage was amply sufficient to remove them; and they also speak of the health of

the prisoners as excellent. The testimony of one of these gentlemen has been already adduced: "the prisoners were healthy, and not only continued so during the whole voyage, but left the ship in exceeding good health," and on landing they were remarked to be of "robust appearance."

Upon this point, the Earl of Chichester gave the following interesting evidence before the late Committee of the House of Commons. The question having been asked,\*—"But is it not very desirable that any permanent system of prison discipline should be so regulated that men, who, when they return to the world, if they are to live honestly, must live by labour, should not be worse than they were before?"—his Lordship is reported to have replied, "I have never met with any punishment within the walls of a prison that had not the effect of weakening the muscular powers of the prisoners. I have myself examined very frequently labourers that I had previously known, who had been under very short imprisonments on the treadmill, and the decay of muscle is very perceptible to the touch, particularly their arms and backs: but the rapidity with which they recover strength is very consolatory. As far as that question goes, provided they are sober and steady in their habits, a few weeks will do it."

It will hardly be contended that the pickpocket, the burglar, and the manslayer, may only be corrected by such methods as will insure a florid complexion and the highest degree of muscular development.

\* Minutes of Evidence, Question 6669.

An impression prevails, I believe, that the original system produced a great excess of consumption and other forms of scrofula. From the carefully prepared returns of Dr. Rees it appears,\* that the deaths from this class of disorders during five years, under the original system, were in the proportion of 2·89 in 1000. From the gaol returns for 1849, it appears† that in that year, the mortality from consumption and kindred disorders throughout the prisons of England and Wales, was 4·5 in 1000. If all pardons granted at Pentonville in consequence of this class of diseases are added to the deaths, the proportion was 11·57 in 1000. It is certain, however, that the cases in which pardons were granted did not all prove fatal; and if three-fifths are added to the deaths, the mortality would be 8·09 in 1000. If actual deaths, and all pardons granted upon the same grounds throughout the prisons of England and Wales, are taken together, the proportion was 7·3 in 1000; if three-fifths of the pardons are included, the proportion will be 6·2 in 1000. But when it is considered that a pardon will hardly be applied for when a prisoner will be liberated in the course of a few weeks by the expiration of his sentence, and that very nearly half the prisoners throughout the country are sentenced to less than two months', and more than half to less than three months' imprisonment, the mortality from

\* Appendix to the Sixth Report of the Pentonville Commissioners, pages 51, 53.

† Fifteenth Report of the Inspectors of Prisons for the Home District, p. liii. The returns are not so fully given for previous years.

this cause is seen to be higher throughout the prisons of England and Wales than at Pentonville.

It is important, however, to state that, during the first three years of the experiment, Dr. Rees was led to conclude that many of the cases of consumption were attributable to dust arising from some of the trades pursued, combined with the peculiar arrangements of the prison as it respects ventilation. Some changes having been made in these arrangements, in the case of men employed at those trades, the mortality was reduced to less than half. The deaths, during the two following years, were in the proportion of 1·13 in 1000 : the deaths with three-fifths of the pardons were in the proportion of 3·40 in 1000 : the deaths, together with all pardons granted upon this ground, were in the proportion of 4·54 in 1000. The corresponding returns for the prisons of England and Wales, in 1850, were 4·5 in 1000, 7·3 in 1000, and 8·09 in 1000.

It would be tedious to pursue the inquiry further into questions of detail. Even if we assume that upon some selected points it might be made to appear that the health suffered unduly under the original system,\* it might safely have been left to the increas-

\* I am aware of only one other point upon which further investigation was required. A few of the prisoners, when embarked, were attacked with hysterical affections. Some of the facts connected with these affections are difficult to be accounted for. One circumstance is, that when prisoners are placed in association at Pentonville, or at other prisons, or at the Hulks, these affections are never known to occur. They appear exclusively on board

ing experience of the Commissioners and the Physician to have devised the remedies. The remarkable decrease of consumption which followed the precautionary measures recommended by Dr. Rees, indicated the possibility of improving the discipline in other details, without curtailing the term, or sacrificing the integrity of the system.

In questions relating to health, the professional inquirer alone is competent to conduct the investigation into matters of detail. And there can be no question, that when professional men, accustomed to physiological research, prepared to pronounce deliberate opinions upon the result of the experiment at Pentonville, they would certainly give all due consideration to any fact which appeared to throw doubt upon the safety of the system.

In truth, the experiment at this prison, instead of indicating a necessity for limiting the term of sepa-

vessels afloat. Similar attacks are also said to have occurred among Scotch prisoners, when brought to England by *water*; but they are not known to occur in any case upon land. Another circumstance is, that prisoners embarked from Millbank do not suffer from these affections; and although the separation is defective at Millbank, still the defects in the discipline will not account for an entire absence of the affections, if mere separation were really the cause of them. At all events, whatever is the cause of these attacks, the reduction of the term was not the remedy. They have been quite as numerous in proportion, and on board one vessel much more numerous, since the change in the system, than under the original protracted term. Among 100 men, after nearly two years of rigorous separation, 6 cases occurred. Among about 60 men retained for less than twelve months, 18 cases occurred.



rate confinement to twelve months, has established a strong probability that this discipline may be safely prolonged beyond eighteen months.

Considerable light has been thrown upon this question by the recent reduction of the term to twelve months. No diminution of either mental or bodily disease has followed that reduction ; and the change may therefore be regarded as an experiment by which protracted separation has been excluded from the causes of excessive injury to the health. Less hesitation, I apprehend, would now be felt in extending the term of separate confinement,—at least by way of experiment, and with proper precautions,—to two years, or even to three years.

In all inquiries, however, respecting the health of prisoners, it ought not to be lost sight of, that it is the natural tendency of the hardships or grief incident to all *severe* punishment to impair in some measure the physical health. And this cause of injury to the health must operate more powerfully in proportion to the severity, or in other words to the efficiency, of the infliction. The problem to be solved is, to find a system of punishment which shall be effectively severe, and at the same time as little detrimental to the health as possible. The rigorous isolation and protracted term of the original Pentonville system, combined with instruction and due visitation, appear to have solved the problem. Some degree of injury to the health was inseparable from the punishment. Those who are familiar with convicts know how often the

transportation of a child, a husband, or a brother, will break the spirits and the health of the mother, or the father, the wife, or the sister ; and cases come to our knowledge in which the grief thus produced terminates in lingering or fatal illness. If the convict's relative occasionally pines and dies of grief, the convict himself cannot in all cases escape uninjured.

Moreover, it cannot but be, that as a severe punishment runs on, it will tell with increasing force ; and that if grief and confinement produce results in prison similar to those produced by them in the world at large, their injurious effects must be gradually developed. But the results at Pentonville appear to show that the liability to disease from some causes decreases as the term of imprisonment is prolonged. It is also to be observed, that those diseases which are developed by the gradual influence of protracted imprisonment, will generally be discoverable in their incipient stages ; and therefore, that they may be met by increased exercise, or if *necessary*, by removal to a different discipline. The number of those cases, however, will be exceedingly small. Nor ought it to be overlooked, that a similar necessity for removing exceptional cases is inseparable from protracted confinement under any system. If prisoners are employed upon associated labour, such as to render the punishment severe, a much larger number will require to be exempted from that labour than from separate confinement.

In fact, this objection to prolonged separate imprisonment would virtually exclude from the penal

code all kinds of severe punishment, since punishment cannot be made severe for the strong, without entailing danger upon the weak.

But the expediency of the early removal of the prisoners from separate confinement, on the ground of health, is to be tested *practically*, by a comparison of the mortality and sickness at Pentonville with the mortality and sickness at the Public Works, to which they are removed.

Now, it appears from the published Reports of the Portland Prison and of the Hulks, that both the mortality and the sickness at those convict establishments are *greater than at Pentonville*. The average mortality at the latter prison during five years, from its opening to the end of 1847, while the original system was in operation, was 6·5 per 1000. The average mortality at Portland, in 1849, assuming the average daily population to have been 800, was 10 per 1000: in 1850, it was 10·99 in 1000. And let it be observed, that this comparison is not affected by the selection of the prisoners for Pentonville, since prisoners removed to Portland are selected, not only as being in health, but as being fit for the *hard labour* to which they will be subjected. Nor is this comparison affected by the pardons granted at Pentonville on medical grounds, since prisoners are either pardoned at Portland upon the same grounds, or they are removed to an invalid hulks when their health appears to be failing. In 1850 the removals from Portland were in the proportion of 33·92 in 1000, which is very much greater than the proportion at Pentonville.

From the Reports of the Hulks for 1850,\* it appears, that at the labour hulks, the mortality was 12·58 in 1000. For these hulks the convicts are also selected as fit for hard labour. From these hulks also prisoners appear to have been pardoned on medical grounds at the rate of 4·57 in 1000, and to have been removed, when their health was failing, to an invalid hulk at the rate of 65·76 in 1000. It is quite clear, therefore, that the mortality at these places cannot be correctly estimated without reference to the results at this invalid hulk. Now, in 1850, according to the data supplied by the Reports, the deaths at all the hulks were at the rate of 28·05 in 1000 ; the pardons on medical grounds were at the rate of 33·19 in 1000 ; and the deaths and three-fifths of the pardons together were in the proportion of 47·96 in 1000.

And as the deaths and pardons on medical grounds are more numerous at the Public Works, so also are the cases of severe sickness. At Portland, in 1850, the number of infirmary cases was 433, which is in the proportion of 528 cases among 1000 prisoners. The number of injuries alone, “requiring infirmary treatment,” was 120, which is in the proportion of 146 cases among 1000 prisoners. In the same year the number of cases of injury removed to hospitals at the hulks was 200, which is at the rate of 114 cases to 1000 prisoners ; and it is admitted that these injuries result from the nature of the work, and from the inexperience of the prisoners. The entire number

\* The Reports for preceding years do not contain sufficient data for similar calculations.

of cases removed to hospitals appears to have been 1636, which is in the proportion of 936 cases to 1000 prisoners. The number of slighter cases is not returned.

It appears from the Reports, that even the mortality from *consumption* is greater at the Public Works than at Pentonville. At Portland, in 1850, the deaths from this form of disease were in the proportion of 3·66 in 1000 : the deaths and removals together were 17 in 1000. At the hulks, in the same year, the actual mortality from this cause was 10·3 in 1000 ; the deaths and pardons on this ground were together 16 in 1000. At Pentonville, under the original system, the average yearly mortality from this cause was 2·08 in 1000 ; the deaths and all the pardons together, were 11 in 1000. After the changes introduced on the recommendation of Dr. Rees, the deaths were in the proportion of 1·13 in 1000 ; the deaths and all pardons together, 4·54 in 1000.

It further appears, that an additional cause of injury to the health comes into operation at the Public Works in the form of bronchitis. The deaths from this cause at Portland and the hulks, in 1850, appear to have been not less than six ; and as many as twenty-seven cases were removed for hospital treatment, and four cases appear to have become permanently disabled by it. At Pentonville the occurrence of this form of disease is exceedingly rare ; only two severe cases have occurred since the opening of the prison, and neither of these cases proved fatal. The disease is the direct consequence of the exposure to wet and cold, to which

the prisoners are necessarily subjected, by the nature of the discipline at the Public Works.

These details derive their importance from the circumstance that opinions have been entertained directly at variance with the facts; and that those erroneous opinions have been made the basis of practical measures. It may be well therefore to collect and exhibit the results in a tabular form:—

*TABLE, exhibiting a Comparative View of the Number of Deaths, Pardons on Medical Grounds, Removals on Medical Grounds, and Cases of Sickness, at Pentonville and the Public Works, estimated in proportion to 1000 Prisoners.*

Description of Casualties.	PENTONVILLE, from 1843 to 1847 inclusive.*	PENTONVILLE, 1846 and 1847.†	Portland, 1850.	Labour Hulks, 1850.	Hulks, including the Invalid Hulk, 1850.
Deaths . . . . .	6·15	4·54	10·99	12·58	28·05
Pardons on Medical grounds .	9	5·68	No return	4·57	33·19
Removals on Medical grounds .	12·27	6·81	33·92	65·76	
Deaths, Pardons, and Removals	27·42	17·04	44·91	82·91	
Sickness, Severe, or requiring Hospital or Infirmary Treat- ment . . . . .	37		528	936	
Injuries requiring Removal to Hospital or Infirmary, in- cluded above . . . . .	None		146	114	
Sickness,—all cases except those requiring only a Simple Pur- gative . . . . .	2511		3312	No return of slight cases.	

\* These five years include the whole period during which the original term and system were in force.

† During these two years the changes recommended by Dr. Rees had come into operation. See page 162.

*TABLE, exhibiting a Comparative View of the Mortality from Consumption, Scrofula, and Bronchitis, and of the Number of Pardons and Removals on account of these Forms of Disease at Pentonville and the Public Works, estimated in proportion to 1000 Prisoners.*

Description of Casualties.	PENTONVILLE, 1843—1847.	PENTONVILLE, 1846, 1847.*	Portland, 1850.	Labour Hulks, 1850.	Hulks, including the Invalld Hulk, 1850.	Portland and Labour Hulks.
Deaths from Consumption and Scrofula . . . }	2·08	1·13	3·66	4·00	10·3	
Pardons on the ground of Consumption . . . }	8·92	3·41	No return	No return	5·7	
Removals on the ground of Consumption . . . }	3·18	2·27	13·34	No return		
Deaths from Bronchitis .	None	None	1·21	2·86		2·33
Deaths from Consumption, Scrofula and Bronchitis }	2·08	1·13	4·87	6·86		6·23

Upon a review of the whole of the facts adduced, it appears, that under the system of rigorous and protracted separation at Pentonville the mortality scarcely exceeded the mortality among the free population; that it was lower than throughout the prisons of England and Wales; that any advantages arising from the exclusion of a few individuals on medical grounds was, at least, counterbalanced by the demoralized habits and previous imprisonment of the convicts, when they were removed to Pentonville; that the health of the prisoners generally was "excellent;" that whatever was lost of robustness or florid looks by eighteen months or two years of

\* See notes to preceding Table.

seclusion, was regained in a few weeks ; that when a system of associated labour is substituted for prolonged separation, both the physical health suffers more severely, and the number which it is necessary to exempt from the severity of the discipline is also greater ; that the mortality, the severe sickness, and the amount of consumption, have all been greater at the Public Works than at Pentonville ; and that the removals on medical grounds have been very much more numerous.



## CHAPTER III.

### OF THE ECONOMICAL AND INDUSTRIAL RESULTS AT PENTONVILLE PRISON.

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#### SECTION I.

#### *Of the Economy of Prison Discipline.*

THERE is no part of the problem of prison discipline more generally misconceived than that which relates to the amount and the expediency of the money-expenditure incurred. The beneficial effects of the punishment,—which are the proceeds of the outlay,—not being directly exchangeable for other valuable products, the hasty observer is liable to overlook the fact, that the penal discipline has, nevertheless, a real and a large money value.

It is plain, in the first place, that if there were *no* system of retributive justice in operation, all rights of property and of person would be a prey to rapacity and passion. Crime, unrestrained, would speedily destroy all that imparts their value to the conventional representatives of wealth ; and therefore the

mere money value of the punishment can be estimated only by taking into account all the private and public wealth and well-being that is thereby preserved.

And, in like manner, the *comparative* value of any one system of punishment is to be estimated by the amount of property and happiness secured by the operation of that system, more than would be otherwise secured. In other words, the *efficiency* of any system of punishment is the measure of its value.

This principle, so obvious that it may be thought superfluous to have stated it, is by very many persons practically overlooked. Otherwise, the primary aim would be, to render prison discipline effective, rather than cheap.

The general adoption of the Separate System has been considerably obstructed by a prevalent belief that it is more costly than other systems. It is considered that, under this system, even reformation is purchased too dearly. To the same error are to be attributed, in a great measure, the recent relaxations of the discipline at Pentonville: the efficiency of the punishment has been impaired for the sake of an immediate saving, to an inconsiderable amount, in the cost. But when the money-value of punishment is correctly estimated, it is perceived, that if the effectiveness of the penal infliction is sacrificed to obtain a slight saving of expense, society does really incur a large prospective money-loss for a small present money-gain.

But this is not the only error which prevails, as to the economical bearing of the Separate System. It

will be found on examination that, in point of fact, this system is *not* more costly than other systems ; and that the popular prejudice against it upon this ground is erroneous. The error arises from not knowing the extent to which the annual cost of prisons is affected by special circumstances, independent of the nature of the discipline. The Reports of Pentonville having shown the average yearly cost of each prisoner to be considerably above the general average cost throughout England and Wales, it has been hastily assumed that this excess of expense has arisen from the character of the discipline. In reality, however, this excess has arisen from other causes ; and neither at Pentonville nor elsewhere is the cost very much affected by the system of discipline adopted. To whatever extent the expenditure is influenced by this cause, the balance will be in favour of the Separate System.

The gaol returns published by the Inspector of Prisons for the Home District show, that the cost of each prisoner differs widely at different prisons conducted upon the same system, whether that system be the Associated, the Silent, or the Separate. Of prisons not conducted on the Separate System, a list may be extracted, at which the yearly cost of each prisoner has exceeded the general average cost throughout England and Wales.

The following returns are selected from the Report for 1847 : \*—

\* I select the year 1847 because the returns are not calculated for the year in subsequent Reports.

	£	s.	d.
Appleby (County) .....	51	14	2
Chester (County) .....	50	18	11½
Oakham (County) .....	50	3	9
Peterborough .....	46	15	3½
Morpeth (County) .....	38	15	7½
Newgate .....	38	5	0
General average throughout England and Wales in 1847 .....	29	14	1½

The mere fact, therefore, of an expenditure at Pentonville exceeding the general average, is no proof that the Separate System has been the cause of that excess, since at other prisons which are not conducted on the Separate System the excess is greater.

In the same year the average cost of each prisoner was *below* the general average in prisons in which the Separate System *was* in force, either wholly or in part. The following are examples:—

	£	s.	d.
Reading .....	25	9	5½
Springfield .....	26	12	3½
Preston .....	23	3	10½
Usk .....	26	19	10½
Lewes .....	24	6	8
Stafford .....	16	14	7
General average throughout England and Wales, in 1847 .....	29	14	1½

These returns are not adduced as proving that the Separate System is less costly than other systems, but as evidence that, in estimating the comparative economy of different systems, no conclusion whatever can be drawn from the returns for any prison, without an inquiry into the special causes which affect the expenditure. They go far, however, towards showing

that the prevailing prejudice against the Separate System, as being *necessarily* more expensive than other Systems, is erroneous. At the prisons at Reading, Springfield, and Usk, all conducted on the Separate System, the yearly cost was less than at Coldbath-fields, which is conducted on the Silent System; less than at Newgate, which is conducted on the Associated System; and less than the general average cost throughout England and Wales.\*

But the present inquiry is limited to Pentonville; and in order to render the investigation complete, I shall exhibit in detail a comparative statement of the cost of each prisoner at this prison, and of the general average cost throughout England and Wales. I shall employ for this purpose the returns for the year 1848, that being the last year preceding those changes at Pentonville by which the expenditure has been affected.

\* In one or two cases, the prisons in the preceding lists may be classed incorrectly, as conducted, or as not conducted, on the Separate System; but it is evident that, even if such should be the case, the argument will not be affected.

SECT. 1.] PENTONVILLE AND GENERAL AVERAGE. 177

TABLE showing the Average Cost of each Prisoner throughout England and Wales, and at Pentonville, during the Year 1848, arranged under the Principal Heads of Expenditure.

Heads of Expenditure.	General Average throughout England and Wales.	Pentonville.	Excess throughout England and Wales.	Excess at Pentonville.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Buildings, Repairs, &c. .	4 11 1½	3 0 4½	1 10 9½	.. ..
Salaries and Pensions .	9 17 0	14 18 10½	.. ..	5 1 10½
Diet . . . . .	7 2 0½	9 13 2½	.. ..	2 11 2
Clothing . . . . .	1 4 10	1 9 4½	.. ..	0 4 6½
Bedding . . . . .	0 8 9	0 4 4½	0 4 4½	.. ..
Extras by Surgeon, including Wine, &c. }	0 5 10½	0 3 10	0 2 0½	.. ..
Fuel . . . . .	0 9 5½	1 3 4½	.. ..	0 3 10½
Gas, Oil and Candles .	0 9 8½	1 1 10	.. ..	0 12 1½
Soap (Brushes, Brooms, Mops, &c.) }	0 3 11	0 9 5½	.. ..	0 5 6½
Washing, (Repairs of Linen, &c.) }	0 1 6½	0 15 8½	.. ..	0 14 2
Cooking . . . . .	0 0 6½	0 2 5½	.. ..	0 1 11
Books, Stationery, and Printing }	0 6 9½	0 2 6½	0 4 3½	.. ..
Furniture . . . . .	0 3 4½	0 3 3½	0 0 0½	.. ..
Rent, Rates, and Taxes .	0 3 3	.. ..	0 3 3	.. ..
Removing Transports, &c.	0 5 1½	.. ..	0 5 1½	.. ..
Miscellaneous . . . . .	1 4 1½	0 10 0	0 14 1½	.. ..
Support of Prisoners under Contract }	0 3 0	.. ..	0 3 0	.. ..
Officers, Rations, Making & Repairing Uniforms }	.. ..	1 9 8½	.. ..	1 9 8½
Medicines . . . . .	0 1 8½	0 2 7	.. ..	0 0 10½
Removing Prisoners to and from Trial }	0 4 7	.. ..	0 4 7	.. ..
	27 16 10	*35 11 0½	3 11 7½	11 5 9½
Balance against Pentonville £7 14s. 2½d.				

\* The actual average daily population was 479·5. The total expenditure divided by that average, gives an average cost for each prisoner of 35l. 10s. 8d. In the preceding operations the fraction has not been employed.

From this comparison the balance against Pentonville appears at first sight to be 7*l.* 14*s.* 2½*d.* It will be observed, however, that there is an excess of 1*l.* 10*s.* 9¼*d.* against England and Wales, under the head of Buildings and Repairs. This item, since it arises from causes unconnected with the nature of the discipline on either side, is virtually a credit to the general average, and therefore raises the balance against Pentonville to 9*l.* 4*s.* 11¾*d.* There are also other items in the general average, arising from sources of expenditure which do not exist at Pentonville, and these also must be added to the preceding balance. They are :—

	<i>s.</i>	<i>d.</i>
Rent, Rates, and Taxes .....	3	3
Removing Transports .....	5	1¾
Removing Prisoners to and from Trial	4	7
	<u>12</u>	<u>11¾</u>

When this amount is added, the gross balance against Pentonville will be, for each prisoner, 9*l.* 17*s.* 11¼*d.*

There are, however, on the other hand, sources of expenditure, peculiar to Pentonville, also unconnected with the nature of the discipline; and, for any excess arising under these heads, deductions have to be made from the balance against that prison. First, the staff of officers includes trade instructors, and an expensive manufacturing department. In prisons in general, scarcely any charges are incurred under this head, the great majority of sentences being too short to allow of any trade being taught. It will therefore be correct to deduct from the preceding excess of

expenditure, the excess of the average earnings at Pentonville, above the average earnings throughout England and Wales.

	£	s.	d.
Now in 1848 the average earnings of each prisoner at Pentonville, were .....	3	15	7½
In the same year, the average throughout England and Wales, was .....	0	18	6½
The balance, therefore, in favour of Pentonville, was .....	2	17	1

Secondly.—Pentonville was exclusively appropriated to convicts undergoing long terms of imprisonment, to be followed by transportation. It was therefore necessary to employ a more liberal diet, than in prisons where the terms of imprisonment are short, and where there is no responsibility for the health of the prisoners when the imprisonment is over. Even in county and borough prisons there is by law a considerable difference in the dietary for short and for long terms. But the most liberal scale is estimated for adults whose sentences exceed a few months. At Pentonville the dietary was settled for adult males undergoing an imprisonment of eighteen months in *all cases*. At Pentonville, also, it was necessary to secure such an amount of physical health *at the expiration of the eighteen months*, as would enable the convict to procure prompt employment in the Colony. It was therefore expedient, on economical grounds, apart from considerations of humanity, to prevent the prisoner from being thrown upon the hands of the Government, to be maintained for years at some invalid establishment,—a result more costly than a



somewhat liberal diet during the term of separate confinement. There is conclusive evidence that the excess under this head was *not* occasioned by the separation. The gaol returns show that there are county and borough prisons conducted on the Separate System, at which the cost of diet was, in the same year, *less* than the general average throughout the prisons of England and Wales:

The following are examples :—

	£	s.	d.
Reading: Cost of Diet for each Prisoner, in 1847	6	10	8
Abingdon .....	6	16	6½
Springfield .....	6	18	6½
Preston .....	5	4	6½
Bath .....	5	8	3½
Wakefield .....	6	5	11
General average throughout England and Wales..	7	2	0½

But the most conclusive proof that the excess at Pentonville arises from the causes indicated, and not from the separation, is found in the fact, mentioned in a preceding chapter, that the diet is more liberal at the hulks, and other government prisons for convicts, *at which the prisoners are associated*, than it is at this prison. And those prisoners at Pentonville, *who work in association*, are allowed a more liberal diet than those who are retained under the discipline of the cell.

Since, therefore, the diet of the convict is above the average, owing to causes which are not in operation in prisons in general, the excess under this head, in an estimate of the comparative economy of the System, is virtually an item to the credit of Pentonville. That excess is 2*l.* 11*s.* 2*d.*

Thirdly.—At Pentonville there is an excess of *4s. 6d.* under the head of Clothing. It is impossible that this could be the effect of the discipline. The general average includes all debtors, misdemeanants, and prisoners acquitted,—a large proportion of which class is not provided with clothing. Under this head, therefore, the further deduction of *4s. 6d.* may be made from the balance against Pentonville.

Fourthly.—In the balance against Pentonville there is an item of *14s. 6d.* under the head of Washing and Repairing Linen. This excess, however, arose from special circumstances, and was unconnected with the separation of the prisoners. The term of imprisonment is, in many cases, too short to involve any charges under this head, and no great expense will be incurred in the cases of debtors and prisoners awaiting trial. It was also the wish of the late lamented Mr. Crawford to assist the “Refuge for the Destitute;” and out of deference to his wish, the washing for the prisoners was done at that establishment. By proper arrangements the prisoners may be employed to wash and repair their own linen without any infringement upon the separation; and washing, in that case, would not cost more under the Separate System of discipline than under any other system. The excess under this head may therefore be deducted from the balance against Pentonville.\*

Fifthly.—In the salaries at Pentonville in 1848, there

\* The cost of washing is probably reduced in the general average, in consequence of the work being performed by female prisoners. No female convicts are consigned to Pentonville.

was an item of £400 for a Secretary to the Commissioners, and a clerk.

The duties of these officers corresponded in part to those of clerk to the visiting justices in a county prison, the salary of which officer is charged directly upon the county treasurer, and is not included in the gaol returns. In part, the duties of the secretary devolve in other prisons upon the governor; and they are now performed by the Governor at Pentonville. This charge ought therefore to be deducted from the cost of Pentonville, when the object is to institute a fair comparison between that prison and the general average. But this item, distributed over the average daily population, gives the sum of 16s. 8 $\frac{1}{4}$ d. for each prisoner.

Lastly.—Pentonville was a model, a metropolitan, and an experimental prison, under the management of a Government Commission. Owing to these causes, and to the liberal spirit which at first presided over the experiment, the rate of remuneration to the officers was considerably higher than in ordinary county prisons.\* The expediency of giving liberal remuneration to prison officers is a question upon which

\* From the same causes, and owing to the fact that the buildings were at first left in an incomplete state, the officers employed in the general management were more numerous than in other prisons, and, possibly, more numerous than necessary. Under this last head a considerable deduction might with great propriety be made. But as there would be some difficulty in estimating it correctly, it may be well to omit it. There will then be a sufficient margin left for any expenditure arising from causes in operation at county and borough prisons, and not at Pentonville, which may have been overlooked in this analysis.

opinions will be divided ; but it is a question which must be decided on grounds distinct from the merits of this or that system of discipline. The object aimed at in allowing high salaries is to secure effective services ; and these, if they are worth what they cost under one system, are worth it under all systems. In fact, if they are of less importance under one system than under any other, it is under the Separate System that they may most safely be dispensed with. For it is clear that they become increasingly necessary in proportion to the facilities afforded to the prisoners for violating the prison rules, and for holding contaminating intercourse with each other. The mere fact of the isolation of the prisoner within four walls, by rendering contamination difficult, so far supersedes the necessity for supervision ; and, therefore, the necessity for securing effective services by high salaries is certainly not increased under the Separate System. Whether, therefore, as a general rule, high salaries are expedient or unnecessary, the excess under this head at Pentonville is not attributable to the Separate System ; and in the present comparison it may be fairly deducted. But the excess from this source is considerable.

There were at Pentonville, in the year 1848, in all, seventy-six officers. The aggregate of their salaries was 7158*l.* 13*s.* 6½*d.* To this must be added for rations 669*l.* 19*s.* 4*d.*, which makes a total of 7828*l.* 12*s.* 10½*d.* The average cost, therefore, of each officer was 103*l.* 0*s.* 2*d.* Throughout England and Wales there were employed in the same year 2308 officers. The aggregate of their salaries was 158,897*l.* 14*s.* 7*d.*

This was equivalent to an average for each officer, of .....	£ s. d.
To this must be added for Pensions .....	68 16 11
Total cost of each officer in active service ..	2 2 2½
	<u>70 19 1½</u>

When this average is deducted from the average at Pentonville, the excess at this prison is not less than 32*l.* 1*s.* 0½*d.* for each officer. This sum multiplied by the number of officers, and divided by the average daily number of prisoners, will give for each prisoner the sum of 5*l.* 1*s.* 8½*d.*

The sum of these deductions for each prisoner will then be as follows :—

	£ s. d.	£ s. d.
By Excess of Earnings .....	2 17 1	
On account of deduction under the head		
..... of Diet .....	2 11 2	
..... of Clothing .....	0 4 6	
..... of Washing .....	0 14 6	
..... of Salaries of Secretary and Clerk .....	0 16 8½	
..... of Higher Rate of Remuneration to Officers .....	<u>5 1 8½</u>	12 5 7½
By previous excess at Pentonville .....		<u>9 17 11½</u>
Virtual balance for each prisoner, per annum, in favour of Pentonville, against the general average of England and Wales .....		2 7 8½

Tedious as the process may have been, this elimination of the expenditure arising from causes peculiar either to Pentonville or to the county and borough prisons, is indispensable in order to arrive at a correct conclusion. The result shows clearly that the prevailing prejudice against the Separate System, on the ground of economy, is, like most opinions adopted

without a careful investigation of facts, erroneous. The cost of each prisoner at Pentonville has been excessive; and it has been hastily inferred, that the excess has arisen from the Separate System. An analysis of the accounts shows the reverse; that the excess has been occasioned by causes unconnected with the nature of the discipline; and that, all expenditure arising from special causes being excluded from both sides, there was, in the year 1848, a balance of 2*l.* 7*s.* 8½*d.* in favour of Pentonville, as compared with the general average cost of each prisoner throughout England and Wales.

*Comparison of the Cost of each Prisoner at Coldbath Fields and at Pentonville.*

A result even more favourable to Pentonville will be obtained by instituting a similar comparison between the expenditure at that prison and at Cold Bath Fields, the house of correction for Middlesex, which is under the management of a most able Governor, and of a body of Visiting Justices well known for their financial ability and scrupulous attention to the business of the county.

The expenditure for Cold Bath Fields, notwithstanding its metropolitan position, comes very near the general average for England and Wales. It will not be necessary, therefore, to repeat the comparison under all the heads of expenditure; it may be limited to the item of salaries, which is, in fact, the only item much affected by the system of discipline.

	£	s.	d.
In the year 1848, the cost for each prisoner at Pentonville, under the head of Officers' Salaries, Rations, &c., was .....	16	8	7½
In the same year the cost under the same head at Cold Bath Fields was.....	11	16	1½
Pensions .....	0	2	11½
	<hr/>		
	11	19	1½
Balance against Pentonville .....	4	9	6½

But, as in the former comparison, the salaries at Pentonville include those of an expensive manufacturing department, the excess of earnings, therefore, must, as in the former case, be deducted.

	£	s.	d.
Now the net earnings at Pentonville for each prisoner during that year were .....	3	15	7½
At Cold Bath Fields the average profit on prisoners' work sold was .....	1	2	2½
	<hr/>		
Balance in favour of Pentonville* .....	2	13	5½

Again; at Cold Bath Fields the salaries for chief officers, and for officers employed in general management, are distributed over an average prison population of 1112. Now at Pentonville, in 1848, the average prison population was 479; and the salaries

\* Work done by prisoners at Cold Bath Fields for the county is not included in this estimate for that prison. Some of the work done at Pentonville for the establishment is included in the returns: some is not included. It is impossible to estimate the comparative value of such labour, from the published accounts of two prisons, owing to the different methods in which they are managed. But in comparing the economy of the two prisons, the result would not be materially affected by any variation under this head. For to whatever extent either prison was credited for labour performed by prisoners, it would have to be debited to *the same amount* for the value of the work performed. The final balance would, so far, be the same.

for general management amounted to 1121*l.* 9*s.* 3*d.* In addition to this amount, the salaries of the Governor, of the Chaplain, and of the Physician, amounted to 1300*l.* These sums together gave an annual total of 2421*l.* 9*s.* 3*d.* If the number of prisoners had been doubled, there must have been a proportionate increase in the number and salaries of the subordinate officers in each department; but there would have been no increase in the number, and scarcely any increase in salaries of officers employed at the head of the several departments, and in general management. One Governor, one Chaplain, and one Physician, would still have been sufficient. The increased duties would have been met by assistant or subordinate officers, whose remuneration is on a much lower scale.\* The amount of salaries for this part of the staff, when distributed over 479 prisoners, gave a yearly cost for each person of 5*l.* 1*s.* 1½*d.* If the same amount had been distributed over 1112 prisoners, it would have given 2*l.* 3*s.* 6½*d.* for each person. But in a comparative estimate of the economy of the two prisons, it will be correct to deduct the difference arising from this cause. That difference is 2*l.* 17*s.* 6½*d.*

In this comparison also, as in the former, it is necessary to deduct from the charge for each prisoner at Pentonville, the sum of 16*s.* 8½*d.*, incurred on account of the Secretary's department,—a charge not

\* The salary of the chaplain was 400*l.* a year—of the assistant 200*l.* The salary of the physician was 300*l.* a year—of the resident-surgeon about 150*l.*



included in the salaries at the county prison, and wholly unconnected with the nature of the discipline.

There is also an excess occasioned at Pentonville by a more liberal rate of remuneration. It has been seen that, in 1848,

	£	s.	d.
The average salary for each officer at Pentonville was	103	0	1½
„ „ at Cold Bath Fields	89	14	10½
Excess for each officer at Pentonville .....	13	5	3

This amount, with 76 officers and 479 prisoners, is equivalent to 2*l.* 2*s.* 1*d.* for each prisoner.

When the excessive expenditure at Pentonville, arising from these special causes, unconnected, as they are, with the system of discipline, is deducted, the balance will be *in favour* of that prison.

	£	s.	d.
The entire cost of Salaries for each prisoner at Pentonville, Rations, &c., included, was .....	16	8	7½
Deduct for excess of earnings .....	2	13	5¼
„ on account of the smaller number of prisoners .....	2	17	6¾
„ on account of Secretary, &c. ....	0	16	8¼
„ on account of higher remuneration .....	2	2	1
	8	9	9¼
	7	18	10¼
The average cost of each prisoner at Cold Bath Fields for Salaries and Pensions, was in the same year ..	11	19	1¼
The virtual balance, therefore, in favour of Pentonville, was .....	4	0	3

This balance of 4*l.* 0*s.* 3*d.*, multiplied by the daily average population at Cold Bath Fields, of 1112, would give a yearly total of £4461 18*s.*

The general correctness of this result will be cor-

roborated by limiting the comparison to the number of discipline officers at the two prisons.

At Cold Bath Fields, in the year 1848-9, the number of warders, cooks and watchers being included, was 127, to an average daily population of 1112 prisoners, and for a prison capable of containing 1150 prisoners. This is in the proportion of one officer to 8·7 prisoners of the average population, and of one to 8·9 of the greatest number which the prison could properly contain.

Now at Pentonville, in 1848, before the recent reductions in the staff, the number of warders, cooks, and bakers, was twenty-six to a daily average population of 479 prisoners, which is in the proportion of one officer to 18·5 prisoners. And this staff was adequate to 508 prisoners, the full prison population, for which number the proportion would be one officer to 19·4 prisoners.

But although the reduction in the staff, to which such an injurious influence upon the discipline has been attributed, had not taken place at this period, yet the number of warders had been reduced in 1845; and that previous reduction had, I venture to think, lessened in some measure the rigour of the original discipline. It may be well, therefore, to repeat the comparison with the largest staff, at the time the prison was opened, when no expense was spared to render the discipline effective in the highest degree. The number of warders then, in the year 1844, cooks and bakers being included, was thirty-three. In that year, owing to arrangements entirely

arbitrary, the vacancies in the prison were not filled up for some time after the removal of two-thirds of the prisoners in one draft. It will therefore be most correct to take the greatest number of prisoners which each prison could contain, as the basis of the calculation. Now 33 officers to 508 prisoners,—the number of the cells at Pentonville,—was in the proportion of one to 15·3. At Cold Bath Fields the proportion was one to 8·9.

Thus we are led to the conclusion, that the number of discipline officers at Cold Bath Fields was in proportion about double the number at Pentonville: that is,—if the House of Correction for Middlesex had been conducted after the Pentonville model, the discipline might have been administered with thorough efficiency, by about half the number of officers actually employed. The amount of the salaries of these officers appears from the reports to have been 10,253*l.* 14*s.* 6*d.* So that, at a time when the Separate System was popularly condemned, on the ground of its supposed expensiveness, the county of Middlesex would have saved, by the adoption of that system, above 4000*l.* a-year at one prison alone. This amount, distributed over the daily average number of prisoners, is equivalent to about 4*l.* for each prisoner. If we assume an increase of expense under some heads, still the saving would be very large.\*

\* Since the year 1848 reductions have taken place at Cold Bath Fields both in the number and in the salaries of the officers. Reductions have also taken place at Pentonville; and if these reductions are objectionable upon moral grounds at Pentonville, they will be equally open to objection at Cold Bath Fields. I am informed, upon good

It is not, indeed, to be overlooked, that a prison on the Separate System may be somewhat more costly in its erection than other prisons. But the difference under this head will not be great.

The comparative cost of particular prisons will be no criterion, unless all the conditions are similar, except the difference in the system of discipline. Nor can any construction be brought into the comparison, unless due provision be made for enforcing an effective discipline, whatever the nature of that discipline may be. When a comparative estimate is thus *fairly* made, the interest on the difference in the cost of erecting prisons on the Separate and on other Systems, will be very unimportant, compared with the saving effected in the subsequent administration of the discipline. It will probably not exceed 20s. a-year for each prisoner : the saving under other heads will hardly be less than £4 a-year.

It may also be objected, that in order to render this system safe and effective, an additional outlay must be incurred for moral instruction. It is amply proved, however, from the results in the numerous county and borough prisons, in which separation has been introduced, that no increase of expense under this head is required in order to render the system safe.

If a greater amount of instruction is deemed advisable under the Separate System than under other systems, in order to secure the moral amelioration to which the seclusion of the cell is eminently conducive, authority, that the construction at Pentonville would admit of considerable improvement, so that the discipline might be made much more effective than at present, even with the present reduced staff.

this outlay will only be incurred for the sake of a greater moral gain. It may be safely asserted, that the amount of moral instruction, which will be advisable under the Separate System to obviate mental disease, will not be greater than the amount which ought to be afforded under any system. And, in truth, so conducive is the discipline of the cell to reflection, and so much does the association of criminals counteract their reformation, that under the Separate System the same amount of moral improvement may be obtained by a smaller outlay for instruction than under the other system.

In one or two particulars the separation of the prisoners increases the labour of the instructors. But in one important particular the schoolmaster's time is economised by the Pentonville construction. The division of the seats in the chapel, when it is used for the purpose of school instruction, allows of 100 or 120 prisoners being taught collectively by one master, without the evils which would inevitably result from the congregation of so many criminals in *school*, if they were not separated.\* The saving of labour from this cause will fully compensate for additional labour in visiting the prisoners individually for some purposes. It is at least satisfactory to be able to state, that the salaries of the Chaplain and his assistant, at Penton-

\* For this reason alone I cannot but regret the abandonment of the divisions in chapel at some prisons on the Separate System. I think it is most important that it should be known, that when the Pentonville construction is not retained in the chapel, collective school instruction is in consequence relinquished. For further reflections upon this subject see Appendix, No. VII.

ville, do not cost more for each prisoner than the average cost for Chaplains' salaries for each prisoner throughout England and Wales.\*

*Of the Economical Value of a Rigorous Discipline.*

The economical effects of the changes in the Pentonville system, and in the convict discipline generally, as explained in Chapter I., Section II., must be viewed in another light. A bare comparison of the average cost of each prisoner during former years, with the present cost, will show a large balance in favour of the present system. But it would be very erroneous to place more than a small portion of that saving to the credit of alterations in the discipline.

The reduction will be found to arise, to a great extent, from the reduced cost of provisions ; to a considerable extent from the prison having lately been filled more rapidly, by which the whole cost of salaries, repairs, &c., is distributed over a larger daily average population ; partly from some offices having been either transferred to a different department of the public service, or dispensed with altogether, while the same amount of work is required from the reduced staff. These are changes unconnected with the administration of the discipline. The saving resulting from those reductions *which involve the integrity of the system*, does not exceed 30s. a year for each prisoner, or 2l. at the utmost. That is, if we assume other reductions to be advisedly continued upon

\* In the gaol returns the salaries of schoolmasters are not given under a separate head.

other grounds, those additions to the present staff by which the system might be restored to its original efficiency, would not entail an additional cost of more than 30s. or 2*l.* a year for each prisoner. And from this nominal saving deductions must be made on account of diminished profits from the loss of the productive labour of prisoners in their cells, in consequence of their being employed upon other work, and in consequence also of the reduced number of trades-instructors. In reality, the saving effected by those changes in the discipline which impair its efficiency, does not exceed 1*l.* or 25s. a year for each prisoner.

Now it is impossible not to weigh against this pecuniary saving the different moral results of the two modifications of the discipline. Economy, it will be admitted, does not consist in securing the smallest outlay, but *in securing a given object for the smallest outlay*. Now the twofold object of prison discipline is to punish and to reform. It is no economy, therefore, to reduce the cost of maintaining the discipline of a prison at a sacrifice of the objects for which the discipline is employed ;—otherwise, the greatest economy would be, not to imprison at all. If the cost of a prison is reduced, and if by that reduction the penal and the reformatory effect of the discipline are diminished in a greater proportion, the result is a pure loss. Such precisely has been the effect of the reductions at Pentonville. A reduction of 20s., or even of 25s., for each prisoner, will be about five per cent. on the entire yearly cost of each prisoner. But the effect of that reduction has been to reduce the penal severity

and the reformatory influence of the system in a far greater proportion.

Assume an additional cost of 1*l.* for each prisoner to be incurred by restoring the system to its original standard,—this would give a total additional yearly outlay of, in round numbers, about 500*l.* Now the cost of each prisoner being taken at about 10*s.* per week, this additional 500*l.* would be equivalent to about the cost of one fortnight's imprisonment of the whole 500 prisoners. But if the discipline were as rigorous as at first, then by reducing the *duration* of the imprisonment by this period of one fortnight, not only an equal amount, but a much greater amount of real punishment and reformation would be effected among the 500 prisoners during the seventeen and a half months, than during eighteen months under a relaxed system, or in eleven and a half months than is now effected in twelve months; and, at the same time, as great a money-saving would be effected. By adopting the alternative of relaxing the discipline, there is no present gain, and there is great prospective loss.

This loss is far greater than at first sight appears. First, by the loss of reformation, there is a great *moral* loss incurred to the prisoner, to his family, and to society. To the prisoner, there is a loss of all the moral benefits, temporal and eternal, which would have accrued from the punishment if it had been effective, but which do not accrue, because it is not effective. For it is equivalent to a great loss, when the prisoner will have to undergo future punishment for future crime, from which he would have been



saved if the efficiency of the previous punishment had not been marred. In consequence of his future crime and future punishment, there will be entailed great suffering upon his family, from which, if his first punishment had been effective, they would have been saved. Also there will be entailed upon society all the social and moral evils resulting from a future criminal career, which, if the original punishment were effective, would not be pursued.

But, secondly, if these moral considerations are put aside, there will result, under each of these heads, a very large *pecuniary* loss from the decreased efficiency of the penal infliction. In every case in which the punishment would have been rendered effective by a five per cent. additional on the outlay in enforcing it, and is not effective from a saving of that percentage, there is a total money-loss of the whole cost of that first punishment, or of the whole cost of every subsequent capture, prosecution, and imprisonment. There is also the cost incurred of the subsequent crime; and, however costly punishments may be, crime is more costly. It is more costly indirectly, by its disturbance of the peace and industry of society, and by its corrupting influence; with the habitual offender, it is more costly in the direct money-value of the booty.

Penal inflictions are in all cases costly evils; but if the interests of society make them worth what they cost, they are worth being made effective. The economist, I apprehend, will readily admit that kind of punishment to be the most economical in which

the penal and the reformatory elements are concentrated in the highest degree, and by which the greatest amount of punishment and of reformation will be effected in the shortest time. It is absurd to estimate the economy of prison discipline apart from its efficiency. The whole cost of secondary punishments is incurred for their moral effects. They are inflicted for the sole purpose of deterring or dissuading from crime. In proportion as they fail or succeed in effecting this result, they become valueless or invaluable.

The cost of the prisons of England and Wales is not very wide of 400,000*l.* a year. This, however, is but one item in the administration of the criminal law. The police force, the legal and other expenses of prosecutions, and the convict service, swell the amount to very little less than 2,000,000*l.* a year! But the actual value to the country of this enormous annual outlay, is mainly determined by the *moral effects* of the penal inflictions in which it terminates. It cannot, therefore, be economical to save a small percentage upon 400,000*l.* a year, the cost of prisons, and thereby to impair the moral effects of that infliction, upon which the value of 2,000,000*l.* a year chiefly depends.

Perhaps the money-value of an effective system of punishment is most clearly exhibited by resolving it into the form of time. If any given amount of imprisonment, inflicted upon all the criminals of the country under one system of discipline, is sufficient to satisfy the ends of justice, or, in other words, for the

protection of society, then under a different system *more effective* than the other, the amount, (*i. e.* the duration,) of the aggregate of imprisonment may be reduced in proportion as its efficiency is increased, and justice will be equally satisfied, or society be equally protected. If, therefore, the cost of the more effective system were to increase in the same proportion as its efficiency, there would be no direct loss, and there would be very great indirect gain. But when the same system is less costly during equal periods, in addition to the greater value of its results, then the double saving becomes very great. Such are the economical results of the Separate System, and of a rigorous administration of the discipline. It is less costly than other Systems during the period of its enforcement, and it is equally effective in a shorter time.

It is the application of this test that discloses the fundamental error, in a financial point of view, of the recent changes in the Pentonville System. The period of imprisonment, in association, at the Public Works, is greatly prolonged, in order to compensate for the less severe form of the punishment; and thus the cost of the punishment is enormously increased. But as the question of prison labour is involved in any estimate of this loss, and as that question requires, for several reasons, distinct consideration, the further investigation of the subject may be better reserved for another section.

## SECTION II.

*Of Prison Labour.*

IN investigating the industrial economy of a prison, it is necessary to distinguish between the direct proceeds of the labour, considered as a source of revenue, and the indirect but greater gain resulting from the efficiency of the discipline. The amount of direct profit is too generally considered to be the primary object; whereas it ought, unquestionably, to be held subordinate to the far more important object of restoring the prisoners permanently to habits of honest industry.

If prison labour is considered as a source of revenue, the results at Pentonville do not supply a correct test of the industrial capabilities of the Separate System. The founders of that prison were of opinion that the maintenance of the establishment ought not to be the object of the labour. They considered that the punishment of offenders, and their reformation, were the primary objects of the imprisonment; and they inferred, that the industrial arrangements of a prison ought, like every other part of the discipline, to be made subservient to those ends. They aimed at a twofold result; namely, to make criminals willing to maintain themselves by honest labour *on their return to society*,

and to qualify them to do so. For the attainment of that result present profit was, to some extent, foregone.

But it will be found, I am inclined to think, that the labour at Pentonville was not so unproductive as is generally supposed. The following Table will show the returns during the five years of the original system :—

*TABLE, showing the Yearly Amount of Profits upon the Labour of the Prisoners at Pentonville, during 1843—1847.*

Years.	Average Daily Population.	Amount of Profits in each Year.	Average Earnings of each Prisoner.
		£ s. d.	£ s. d.
1843	332	1062 13 11	3 4 0
1844	456	1901 6 9	4 3 4½
1845	445	2849 11 4	6 8 0½
1846	423	2166 18 6	5 2 5½
1847	467	1143 12 6	2 10 0½
Annual mean . .	422	1824 16 7	4 6 5½
Annual mean, excluding 1843 .	445	2015 7 3½	4 10 6½

In reference to these returns, it is to be observed, that during the first year the prisoners were *all* recently admitted, and that the arrangements of the prison were not fully matured at the time of their admission. If this year is excluded from the calculation upon this ground, the mean average yearly earnings were 4*l.* 10*s.* 6½*d.* for each prisoner. It is also to be observed, that the profits fell very considerably

below the annual mean in 1847. That year was the year of the famine, and trade was unnaturally depressed: the results of that year, therefore, can hardly be included in estimating an average of the profits from the prison labour. If that year is also omitted, the average yearly earnings of each prisoner would be 5*l.* 4*s.* 6½*d.*

The following Table will show the different profits arising from each *kind* of labour. The profits are calculated upon averages of four or five years, except in the case of basket-making, which was found to be both unproductive in the prison and of little use in the colony, and was discontinued:—

TABLE, showing the Average Yearly Profit earned by each Prisoner at the Different Kinds of Trade performed at Pentonville during 1843—1847.

Description of Trade.	Number of Prisoners employed.	Average Profit from the Labour of each Prisoner employed.
Mat and Rug-making . .	65	£ s. d. 8 0 10½
Smiths' Work . . . .	5	6 11 11½
Tin-plate Working . . .	13	5 17 0½
Carpentering . . . . .	50	4 17 1½
Weaving . . . . .	24	4 15 11½
Shoemaking . . . . .	113	3 10 11½
Tailoring . . . . .	124	3 6 6½
Basket-making . . . .	17	2 1 8½
Mean, omitting Basket-making . . . . .	.. ..	5 5 9½

In comparing these returns with those at other prisons, or with the proceeds of labour among the free population, it will be necessary to take into account some special conditions under which they were produced. The great majority of the prisoners were allowed two days in a week for instruction ; the routine of the prison did not allow more than nine hours for work on the remaining days. When the effect of this loss of time is estimated, the profits actually earned were equivalent to about 7*l.* for each prisoner.

It is only in this hypothetical form that the results can be fairly stated. Whether so large a portion of the prisoners' time shall be devoted to instruction, is discretionary with the managers of a prison ; and it is perfectly possible, under the Separate System, to secure ten working hours in a day, without violating the separation. At most prisons so large an amount of time is *not* sacrificed to moral objects. It is clear, also, that the same drawback does not operate among the free population. Whether an equivalent moral gain accrued from so much time being given up to instruction, may be questioned ; the inquiry at present relates to direct profit ; and it is enough, in reference to this point, that under the original system at Pentonville, the labour of each prisoner did, upon an average, produce nearly 5*l.* a year ; and that if the prisoners had been employed on each day for "full time," it might have produced 7*l.*\*

It is also to be seen from the second Table,† that

\* This calculation *includes* the sick and infirm.

† Page 201.

the prisoners were not employed in the largest numbers upon those trades which were most productive. Neither were they, as a general rule, employed at those trades which they already knew. The industrial training was intended to qualify them to earn an honest livelihood in the colony. This was aimed at not so much as a boon to the convict, but rather as a matter of policy—to insure his obtaining employment, and to avoid the more costly alternative of maintaining him for years at Government dépôts. There is positive evidence that the trades learnt at Pentonville did materially conduce to the prisoners being hired on their arrival in the colony.\* It is probable, however, that the original arrangements were susceptible of improvement in this department, which, if the system had continued undisturbed, experience would, no doubt, have suggested:—attention was at that time chiefly directed to other objects.

In producing these results, considerable expense was incurred for the salaries of trades-instructors. This item, however, ought not to be deducted from the earnings, whether they are compared with those at other prisons, or with those of the free population. The prisoners are to be regarded only in the character of apprentices, and the cost of their instruction as a premium. Many of them had never learned any trade: of those who had been apprenticed, many were most

\* Many prisoners were hired to work at trades acquired by them in their cells; and when they were employed as agriculturists, it is stated distinctly that the trades rendered them more useful colonists.



imperfectly taught, and had often deserted their work for a life of plunder or dissipation ; and the few who really were good workmen could not often be employed at their own trades. The cost for trade-instruction at Pentonville was therefore a necessary accompaniment of the industrial training of the prisoners, and must have been incurred under any circumstances : it would be most deceptive to represent it as the effect of the Separate System. To all this it must be added, that of course the prisoners possess less than average aptitude for any kind of profitable labour. When all these conditions are considered, it may be doubted whether, if the prisoners had been apprenticed to the same trades as free men, they would, during the first year and a half of their apprenticeship, have earned much more, and whether the cost of their instruction would have been much less.

At other prisons the instruction and supervision of the prisoners, while at work, is performed either by officers engaged in the discipline, or partly by officers and partly by workmen, whose wages are not kept distinct in the gaol returns. It is not possible, therefore, to compare the proportion which the cost of instruction bears to the profits at Pentonville, and at prisons generally. Nor is the comparison necessary ; for the economy of labour in the discipline department at Pentonville is so great, that when a staff of trades-instructors is added, the two classes of officers together will not exceed in proportion the average number of discipline officers at other prisons. In an industrial point of view this is a great advantage on

the side of Pentonville. The staff of subordinate officers, without any addition to the expense usually incurred in prisons, may include a body of trades-instructors, and the prisoners may be taught trades which will not only be productive of immediate profit, but will also conduce to their acquiring an industrial habit, and to their earning an honest livelihood in after life.

The profits at Pentonville do not admit of being correctly compared with the profits at other prisons. According to the gaol returns, the average yearly earnings of each prisoner throughout England and Wales, during 1843—47, ranged from 14*s.* to 1*l.* 11*s.* : the mean appears to have been about 1*l.* 5*s.* for each prisoner. This comparison shows a result highly favourable to Pentonville. But at some prisons the prisoners are not employed upon productive labour. Moreover, the majority are committed for less than three months ; and when the term of imprisonment is so short, labour cannot often be made productive :\*—the earnings would not repay the cost of instruction. This difference precludes our arriving at any conclusion in favour of Pentonville ; but the same consideration conducts to another conclusion ; namely, that prison labour—in a financial point of view—is not an important element in determining the merits

\* On the other hand, I believe that work done for the establishment is often, or always, estimated in the gaol returns without debiting the establishment with the same items. It is only included to a very limited extent at Pentonville ; and the amount for which credit is taken is debited also.

of a general system of discipline. The population of most prisons is made up of vagrants, general labourers, agricultural labourers, and men of all kinds of trade, or of no trade. With a large majority retained for only a few months,—with increasing competition,—and with all the embarrassments and drawbacks inseparable from a public and penal establishment, to render the labour of such heterogeneous classes of men under one roof an important source of revenue, is simply impossible. As a general rule, it would be far more judicious economy to address ourselves at once to perfecting the *moral* elements of prison discipline ; and thereby, either to shorten the term, or to render the punishment more effective. At the same time, whenever the imprisonment is sufficiently long to make labour a source of profit, it may be made quite as productive under the Separate System as under any other.

The increasing importance which is attached to prison labour, and the complicated nature of the question, when considered in its general bearings, will perhaps justify further investigation.

The problem, considered in its economical aspect, involves two distinct subjects of inquiry ; namely,—

Under what system of discipline the incentives to industry are the greatest ? and,—

What kind of labour is most lucrative to the State ?

It is generally supposed that the Separate System is, upon each of these grounds, peculiarly unfavourable.

vourable to productive industry. The assumption may, I think, be proved upon both points to be erroneous.

*Of the Incentives to Prisoners' Labour.*

There are two kinds of industrial incentives which may be brought to bear upon prisoners, in addition to moral influence—solitude, and remuneration. That the prisoner in separate confinement is powerfully impelled to labour for relief from the solitude, is well known to all who are familiar with the discipline of the cell. By some, this motive is considered an insufficient incentive; and theories of prison discipline have been advanced to oppose the Separate System upon this ground. The prisoner, according to these theories, ought to be stimulated to labour, either by making the duration of his imprisonment depend upon the amount of work performed by him, or by measuring out to him a money-reward, or diet and extras, by the same standard. These theories, however, are by no means at variance with the principle of Separate Confinement. On the contrary, both these methods of stimulating prisoners to labour were originally propounded in conjunction with Separation.

In the same half-page of the "Moral Philosophy," Dr. Paley proposed that prisons on the Separate System should be erected, and that those two kinds of motives to industry should be brought to bear upon the prisoners in their cells. In the same preg-

nant passage, Dr. Paley further propounded it as a question to be solved only by experience—Whether compulsory labour stimulated by those incentives, or compulsory idleness rendered intolerable by solitude, would most conduce to a *permanent* habit of industry? \* The founders of Pentonville, to some extent, combined both expedients. They provided labour for the purpose of industrial training; and they relied on the solitude as the industrial motive. They were of opinion, that the loneliness of the cell was a sufficiently powerful incentive, when aided by moral influence; and that it was the kind of motive productive of the most healthy and permanent industrial results.† In adopting this conclusion, they were acting strictly in accordance with the course proposed by the great moralist:—it was a conclusion deduced from experience.

The system of giving money-rewards to prisoners for their labour had been tried upon a large scale at Millbank; but it had been found not to work well, and it was discontinued. The question also had been considered by a Committee of the Lords in 1837; and, with the then recent experience at Millbank before the Committee, their Lordships reported *against* the system.‡ The system, also, of reducing

\* Moral and Political Philosophy, book vi. chap. ix. Of Crimes and Punishments: "When gaols are once provided for the *separate* confinement of prisoners, which both proposals require, the choice between them may soon be determined by experience."

† See Extracts from Third Report of the Inspectors of Prisons for the Home District, pp. 8—10.

‡ Second Report of a Select Committee of the House of Lords upon

the term of imprisonment as a reward for good conduct had also been tried at Millbank upon an extensive scale, and had been relinquished as being either pernicious or impracticable. Still, if it should be assumed that the experience obtained at Millbank was wrongly interpreted,—that the Committee of the House of Lords was misled,—that the Commissioners for Pentonville were in error,—and that prisoners *ought* to be stimulated to labour by either system of recompense, the isolation of the cell will afford greater facilities than any other kind of discipline for measuring their deservings with exactness. If these motives should be applied, a rigorous seclusion is an additional incentive ; and if association is resorted to, at least one powerful motive will be lost.

The system of paying prisoners for their labour was condemned by the Lords, chiefly upon the ground, that it was inconsistent with the penal position of the criminal. But I apprehend that, upon moral grounds, the system is inherently vicious. The object to be aimed at with the thief is, not to induce him to exert himself for the sake of getting money, but to induce him to get it *honestly*. There is no need of an artificial method to beget in any man the lust of gain. It is this propensity that makes the thief: he steals because he can get more, or he thinks he can get more, by stealing than by honest labour ; or that he can get it more easily. In sub-

the State of Gaols, &c., 1835 ; also Minutes of Evidence before a Committee of the House of Lords on the Criminal Law, 1847, Questions 716—720.

jecting him to an industrial training, our aim should be to induce him *not* to regulate his labour exclusively by the consideration of gain, but to consider as paramount the rules of justice. But when a man has been preying upon the industry of others, if he is brought to a sense of his criminality, he will feel that he has justly forfeited his own industrial rights for the term of his punishment. To bring him to acquiesce in the forfeiture, and to induce him to labour hard in order to discharge the debt which he has incurred to society, will be, so far, to reform him; but the system of direct recompense will obstruct, rather than promote, this result. To exact labour without reward, as it will be the most just method, so will it be the most beneficial. There is at least a danger, lest by stimulating the covetous principle we should foster the criminal propensity; and, at all events, to remunerate the criminal for his labour, is to pay him for expiating his crimes.

It is, perhaps, not an unreasonable supposition, that men habituated to labour in prison will acquire a permanent industrial habit. But there is no reason for supposing that the permanence of the habit will depend upon the labour in prison being performed for the sake of a gratuity. The theory, however, is unpractical. A very large majority of criminals have, at some period, worked for wages, and have preferred plunder to honest industry. The theory, moreover, has been practically refuted. At Bermuda the system is one of remunerated labour; and its failure to produce a permanent habit of industry is notorious. The report

of the Committee of the House of Lords, founded upon the experience of Millbank, is also conclusive.

It is scarcely necessary to advert to the hypothesis, that mere companionship will promote industry. Whatever may be alleged upon theoretical grounds, practical men know too well, that, when idle men are in company, the work is rather retarded than accelerated. If prisoners are industrious, they can and do work in their cells; if they are idle, idleness is more infectious than industry.

*Of Different Kinds of Prison Labour.*

There are three kinds of productive labour available for prisoners: namely, agriculture, general labour, and mechanical labour, or trades.

1. *Of Agricultural Prisons.*—The produce of land is usually considered as having a threefold distribution,—to the landlord, to the occupier, and to the labourer. In a prison-farm the interest on the purchase-money for the land will be the set-off against the first. If land of little or no value, and therefore costing nothing, should be brought into cultivation, the labour and outlay expended in the process will be equivalent to capital invested in the purchase. The financial result of such an undertaking to the public exchequer must be determined by the same rules which would determine the profit or loss if it were in the hands of a private speculator. Assume that the cultivation of the land would *not* repay a private cultivator,—in that case it will not pay under public management. Assume that the speculation would be profitable, the



land will then possess a marketable value ; and, although the land may be the property of the State, yet the sale being foregone, the money which might have been realized is so much capital invested, over and above the outlay incurred in bringing it into cultivation. Whether the land does possess a marketable value, depends upon the question, whether the cost of its cultivation will, or will not, be less than the value of its produce. But the cost of bringing it into cultivation will be the same whether prisoners' labour or hired labour be employed, if the prisoners' labour is to be estimated at its ordinary value. It is a mere fallacy to assume, in calculating the cost of the process, that the prisoners' labour costs nothing, and, in estimating the earnings of the prisoners, to take credit for the full value of the work performed.\* In any case, therefore, the occupation of land by the State involves an investment of capital equivalent to the value of the land to the proprietor.

The management of the prison-farm will absorb the profits of the tenant-farmer. It is evident that farming operations cannot be carried on profitably in a prison unless the same amount of time, thought, and skill be devoted to regulating all operations, in all their details, as must be bestowed upon those objects in ordinary cases to render farming profitable. And this agricultural management must be additional to the supervision necessary for the safe custody of the prisoners, and for the regulation of

\* This is an example of what Archbishop Whately designates the Fallacy of the Thaumatrope. See "Elements of Logic," book iii. sect. 2.

the discipline. But to secure the value of the tenant-farmer's skill by hired stewardship, will absorb *more* than the tenant-farmer's profits. Proprietors of land *let* their farms; the tenant pays a rent, and makes a profit; while, if landlords farmed all their own estates, their profits would not be equivalent to their rentals.

The labourers' wage, after deducting the excess of the cost of management above the tenant's profit, will be all that remains for profit from the prisoners' labour. Now, wages range from 1*s.* a day, upon poor soils remote from large markets, to 2*s.* 6*d.* a day upon good land in populous districts. The purchase of valuable land, and the erection of farm-prisons in the neighbourhood of large towns, will hardly be sanctioned; if prisoners are to be employed upon agriculture, it will probably be in districts where wages are low. But in the case of the prisoner, the wages, less any excess of cost for management, will be subject to considerable drawbacks. The performance of duties about the prison, the appropriation of some time to moral and religious instruction, and the observance of regulations necessary to the discipline of a place of punishment, must prevent the prisoner from labouring, like the ordinary farm-labourer, with scarcely broken toil from dawn till dusk. The maintenance of the discipline over a large body of dangerous characters must also prevent that discretionary direction of labour, upon which the profits of the skilful farmer in no small degree depend. Further,—Will prison-farms be of sufficient acreage to afford that extent and variety of tillage which will, in each locality, be most productive? To

crowd labourers upon a small space is not found lucrative outside a prison wall ; it will not be more profitable within a prison ; but if the farm is extensive, the more extensive boundary-wall, or the military guard, or both, will involve additional expense, altogether disproportioned to the profits.

Moreover, farm-labour, to be done well, requires training ; but large classes of criminals are utterly unused to it, and the vast majority of sentences are too short to allow the prisoners to be trained. If only those prisoners are consigned to the prison-farm who have been accustomed to agricultural labour, these prisons must be widely scattered ; and in that case great expense would be incurred for the travelling of both prisoners and officers. In this case also, when the sentences of the prisoners are long, and their crimes grave, the concentration of large numbers of them will be dangerous, their temptations to escape great, and their safe custody proportionately costly.

All these drawbacks being duly estimated, it will be found most advantageous to the public service to leave all land, that will pay for being cultivated, to be cultivated by private enterprise ; and to consign the prisoner to the nearest gaol, and to that system of discipline which will be most effective to punish and to reform.

2. *Of General Labour.*—Economical difficulties of a similar kind beset the employment of criminals upon public works. In one respect such kind of labour will possess an advantage over agriculture ; it will

allow a larger number of men to be employed within a given space. But it will be attended by counter-balancing disadvantages.

General labour adapted for the employment of prisoners can only be provided at few, and therefore at remote, localities. But it has been already pointed out, that to concentrate criminals from extensive districts is both costly and dangerous. The travelling expenses for both prisoners and officers would be great; and the prisoners, when not transported, would generally require to be passed again to their homes, to prevent the more costly evil of their infesting the neighbourhood of the prison.

Moreover, in estimating the value of this kind of labour, it is plain that the question is not, What would be the amount of wages for so much labour performed? but, *What is the value of the product?* If all the prisoners in the United Kingdom were employed in erecting a pyramid, such a public work might be a great national curiosity, but few persons would consider it a national gain. And this obvious principle of valuation, namely, that the value of the labour is simply the value of the result, must not be lost sight of when the work is of a mixed character. If 10,000 prisoners were employed for ten years in cutting ship-canals from the Mersey to the Humber, and from the Severn to the Thames, the value of their labour would not be the sum of so many days' work at 8*d.* or 2*s.* 6*d.* a day, but the value of the canals, when completed, less all cost incurred for materials and hired labour; that is, practically, the sum for

which the shares would sell, or which Parliament would have voted for the undertakings, subject to those deductions.

Assume, however, that the value of a public work will not be less than the cost of completing it, still the value of labour expended upon it by prisoners will require to be tested by comparing the cost of the given undertaking when performed partly by prisoners, with the cost of the same undertaking if performed entirely by hired labour, with *unconditional competition*. Practical men will be aware how large a saving is effected in great undertakings by first-rate management, by judgment in the selection of workmen, by adjusting different undertakings one with another, and by the rapidity with which work is completed, and capital liberated for new adventures. It is the saving thus effected which enables one contractor largely to underbid another, and to make a profit when the other would incur a loss. But the obligation upon the contractor to accept the labour of ill-assorted gangs of felons, the enforcement of the discipline of the prison, a double management, and capital locked up through the tardy progress of the work, will prevent competition, obstruct first-rate management, and probably go far towards absorbing the entire value of the prisoners' labour. In other words, it will probably cost less, or not much more, to employ free labour throughout, than to hamper first-rate management by throwing in the labour of prisoners.

It is necessary again to advert to the fallacy of an argument sometimes employed in favour of this kind

of labour. It is assumed that, as the prisoner must be maintained, whatever work is performed by him is pure gain. A little reflection, however, will show that, even if it were an alternative of this kind of labour, or total idleness, the labour of the prisoners will be a gain only so far as it is obtained without incurring additional expense. But prisoners' labour cannot be brought to bear upon public works unless a considerable amount of free labour is also employed, and a large outlay incurred for materials. If works are undertaken for the sake of making the labour of the prisoners available, and if the value of the product is not greater than the cost incurred under all these heads, the prisoners' labour will still be worthless. Even if the value of the work, when completed, is greater than the direct outlay, still, in order to bring the prisoners' labour to bear, increased expenses will be incurred in the management of the prisoners, for travelling expenses, and for a larger staff of subordinate officers, and for a military guard; besides all of which, the competition of first-rate ability, stimulated by personal interest, will be obstructed. All these drawbacks must be deducted from the proceeds of the labour, in order to ascertain whether any profit has been secured, or none, or whether an absolute loss has not been incurred.

Another drawback will be, that public works of this kind are in most cases temporary; and that capital will be permanently sunk in prison erections for the purpose of rendering the prisoners' labour available for short periods; while this disadvantageous

operation must be renewed with every new undertaking.

The alternative, however, is not that of general labour or complete idleness ; and if prisoners can be profitably employed upon any other work, the loss of profit entailed by diverting their labour from such employment must also be deducted, in addition to all the preceding drawbacks. For a very small and selected class of prisoners such labour may be financially advantageous ; the question, however, relates to a general system.

3. *Of Mechanical Labour, or Trades.*—There can be very little doubt, all things considered, that mechanical labour, or trades which may be pursued in the cell of a local prison, is that kind of work upon which prisoners may be most beneficially employed. It is labour which, as a general rule, is better remunerated than either agricultural or general labour ; it will allow the prisoner to be consigned to the nearest gaol, and thus save much time and expense ; and it will be exempt from those drawbacks which are incident to the supervision and moving about of large bodies of men of dangerous character, while they are to be retained under a penal discipline.

When the question relates to the *removal* of the prisoner from one kind of labour to another, there is an additional reason in favour of uninterrupted separation. At the expiration of the year of separate confinement he will begin to be practised at his trade ; and his work, if he remained in separation, would

realize a much larger profit after that period than before it. The mean annual profit at Pentonville, omitting the exceptional years, was about 2300*l.*; the average daily population was 441; the average term was about nineteen months. Now, it is not too much to assume, that of that 2300*l.* about two-thirds would be earned by about the one-third of the prisoners who were undergoing the last six months of their imprisonment. This would give, in round numbers, about 1500*l.* profit for about 150 prisoners, which is equivalent to 10*l.* a year for each prisoner. But this profit was obtained by the labour of four days in a week of about nine working hours each day. The profits, therefore, from the labour of these prisoners were equivalent to 15*l.*, assuming that they were to be employed for full working-time upon six days in a week. If profit were to be made the primary object, the average earnings of the prisoners after the twelfth month might be estimated at 16*l.* or 18*l.* a year.

Nor is this the only advantage, upon industrial grounds, on the side of prolonged separation. After the prisoner has become proficient at his trade, very little further cost will be incurred for trade instruction. It is, consequently, during the more protracted period of separate imprisonment that the greatest financial advantage will accrue from the economy of labour under that system. While the amount of earnings will be greatest during that period, the cost of supervision in the administration of the entire discipline, including the supervision of the work, at all times



lower under that system than under any other, will then be less than during the preceding period.

These calculations have been verified by the opinions of practical men personally acquainted with the working of prisoners. They represent, that for the first six months prisoners' labour is worth little or nothing beyond the cost of trade instruction and of materials wasted; that, from the sixth to the twelfth month, it may be worth about fourpence a day; but that, beyond the twelfth month, for a third period of six months, or longer, it would be worth from eightpence to one shilling and fourpence, or, upon an average, one shilling a day of seven or eight hours. This would give 15*l.* a year for each prisoner employed on six days in a week; and if these working days were ten or eleven hours, the average yearly profit may be estimated at 18*l.* for each prisoner. These estimates are made upon the supposition that contractors would superintend the work, and that the establishment would be *relieved from all cost of trade instruction*. Thus, as already pointed out, the cost of salaries for administering the discipline would be greatly reduced, while the profits would be greatly increased. Upon this ground alone, financial considerations, in reference to prison labour, are in favour of uninterrupted separation. It is, in fact, bad economy to spend a year in training a man to one trade, and then to remove him to a different kind of labour. Considerations of economy would suggest that the prisoners be kept to their trades when they had learned them;—it should be one thing or the other from the first.

But the problem is sometimes perplexed, by inaccurate notions as to the effects of different kinds of prison labour upon the general labour market.

It can only be a want of reflection that allows the overlooking of the plain fact, that any amount of valuable prison labour, whatever may be the field of industry upon which it is expended, must compete with free labour of the same kind. If the produce of the cell interferes with the labour of the honest artisan, the prisoner employed upon general labour or agriculture interferes with the employment of the rustic or casual poor. But to displace the agricultural or casual labourer, for the purpose of sparing the tradesman or mechanic, is neither just nor politic. The agricultural and casual poor are a class who will not make their complaints heard; but they take a revenge more costly than complaining—by swelling the criminal calendar. A tradesman, who finds himself opposed in the market by the produce of a prison, will petition or declaim. A countryman, or general labourer, out of employ, and refused work of some general kind because a prisoner is employed to do it, will steal a sheep, or commit a burglary, or become the ready dupe of the systematic criminal. Nor can it be necessary to expose the fallacy of supposing that public works may be undertaken for the purpose of giving employment to prisoners, so that the labour market will not be affected, and that, at the same time, the labour expended upon them is to be estimated at its ordinary value.

In fact, we must make our choice ; either prisoners must be allowed to remain unemployed upon productive labour, or, by employing them we must diminish the demand for the labour of the free population. No just ground of complaint, however, will be afforded to any of the labouring classes by adopting the latter alternative. The prisoner, if at liberty, would be, or ought to be, employed. His labour in prison may be directed to another branch of industry, but it cannot produce more than it ought to produce if the man were free. But the labour, if directed into a new channel, is withdrawn from another : there is a mere transfer of labour, and the labour market is ultimately unaffected.

There can be no doubt that the State is fully justified, upon economical grounds, in directing prison labour to whatever kind of occupation is, on the whole, most productive. The value of the product is equivalent to a reduction of taxation. Each class of artisans or workmen may make the effort to screen their own branch of industry from the competition ; but it would be a great hardship upon all classes, if, without reference to the increased efficiency of the discipline, the prisoner, while clothed and fed by public funds, should be maintained in idleness solely to avoid competition. It may be politic, however, for the same reasons for which recourse is so largely had to indirect taxation, to render the action of prison labour upon the general labour market as much as possible *indirect*.

Nor will any injury be inflicted even if prison produce should be permanently supplied for the public service at less than the ordinary market value. The real danger to honest industry from its being met by prison labour, arises from the disturbance of the market by the *irregular* influx of prison produce at reduced prices. This is an evil which the small tradesman will specially feel, and of which he has a right to complain. The danger to regular trade from this cause is greater, because at a prison an undue depression of prices is not adequately guarded against, as in ordinary manufacturing enterprises, by the self-interest of the capitalist. The master tradesman or manufacturer is not compelled to keep on his hands at all when he cannot realise a remunerative price for their work; or, at least, he is on a level in this matter with other manufacturers. The prison manufacturer must retain his prisoners, and therefore any price for the produce of their labour is so much present income to his establishment. But in a prison, present gain has a high value irrespectively of ultimate loss from a cause which does not exist in the case of the private speculator; it is present relief in the demand upon the county rates or parliamentary estimates. Under these influences, the immediate managers of the prison may act upon the market for any kind of produce with advantages against which those who pay for labour cannot compete. For these reasons, it may be desirable to direct the supervision which is exercised over prisons to the protection of the

industrial classes from the dangers indicated.\* When these conditions are complied with, prison labour may, without injury to any class, be applied *steadily* to whatever kind of occupation is most lucrative to the State.

*Of the Penal Effects of Prison Labour.*

But a prejudice is entertained against the Separate System, upon the ground that prisoners ought to be punished by hard labour, and that labour in a cell must be less severely penal than associated employment upon public works.

I do not believe that productive labour of any kind can be relied on as the *penal* element of prison discipline. The contrary theory assumes, that all, or most criminals, are excessively idle; and the prejudice against separate confinement involves a second assumption; namely, that to idle men in prison, labour will be a more severe punishment than isolation.

There is undoubtedly a class of criminals who are as indolent as this theory assumes; but I apprehend they are a small class. To the great majority inactivity is excessively burdensome. Thousands among the inmates of our gaols are men of vigorous frames, restless minds, or strong passions; and to such men idleness without excitement cannot be pleasurable.

\* The object should be to take care that the kind and amount of work to be performed by prisoners should be defined and fixed, so that the direction of free labour may be adjusted to the decreased demand for it in those branches of industry.

Many of them have been habituated to labour at some period of their lives ; many were in work at the time they committed their crimes ; and many would have been in work if it could have been procured. Even in the case of those by whom honest industry has been abandoned, because a predatory life is preferred, there is often an activity of disposition in excess. Crime, with these men, is merely the substitution of one *kind* of occupation for another. The deliberate criminal is, after all, impelled by the instinct by which the industry of the world is directed—he betakes himself to that kind of occupation which promises to repay the smallest amount of exertion with the largest amount of profit or enjoyment. The honest man and the dishonest differ in the moral, rather than in the industrial, character of their motives. The tourist and the vagrant, the inventive mechanic and the clever thief, the enterprising tradesman and the dishonest schemer, are all actuated by the same restless desire for independence, for variety, for excitement, or for rapid acquirement. Mere labour will not be so novel to many of these criminals as this theory assumes ; and, *when no other kind of excitement or occupation is to be had*, it will not be so irksome. To withdraw work from the prisoners in their cells is universally felt by them to be a severe punishment.

But if, after all, it should be thought necessary to enforce labour as an element of punishment, such labour, when performed in the isolation of the cell, may be made more severely penal than associated labour. Whether it be advisable on economical

grounds to employ prisoners upon out-door occupation is a question which has been already considered : we are now concerned with the penal question ; and I am persuaded that most of them will prefer it. I have questioned prisoners repeatedly upon the point, and the answer almost invariably is, that they would prefer out-door work, and that they would prefer *harder* work. At Pentonville they *do* prefer it ; prisoner after prisoner, when placed to work in association, says so, and says it feelingly.

If ever prison labour is made to tell severely as a punishment, it must be from one of three causes ; either the work is excessive, or the diet is insufficient, or the discipline is enforced with harshness. The prisoner, according to the law of retaliation, will probably deserve all this severity. But the question of humanity is, in this case, a question of self-interest. Labour disproportioned to the strength of the prisoner, or a deficient diet with hard labour, will frequently produce serious injury to the physical health, and thus impair the prisoner's capacity for maintaining himself and his family in after life. Brutal treatment will be brutalizing, and will render the criminal more reckless than it finds him, more desperate, and more dangerous. If, however, it should be thought that harshness ought to be employed, or an excessive amount of work exacted, there is no system of discipline under which oppression or harshness can be made to tell with so great effect as in the isolation and loneliness of the cell.

Divested of these inhuman and impolitic *adjuncts*,

labour in prison is a relief. All theories of penal discipline which rely on labour for punishment are involved in this dilemma: place a man in prison with enough to eat, and work will be no punishment to him; give him too little food, and in a large proportion of cases the health will be permanently injured. But if the health of large bodies of men is undermined, the ultimate expenses entailed will be far greater than the amount of any saving from some trifling reduction in the diet. Indeed insufficient diet will entail a loss during the period of penal labour. The value of work which is to be obtained from men for a continuance, will, up to a certain point, increase in a greater proportion than the cost of an increased quantity, or improved quality of the food. Even horses which are to work hard must be fed well. If association is combined with out-door occupation, as at the Public Works, the relief to the prisoner will be twofold. If he is allowed remuneration for his work, there will be an additional alleviation. In short, in exact proportion as the manner of life, the labour, the associations, and the industrial motives of the prisoner, are made to approximate to what they would be if he were at large, *so does his position cease to be penal.*

*Cost of Present System.*

It is this mitigation of the severity of the punishment which discloses the fundamental error, in a financial point of view, of substituting the system of public works for the system of prolonged separation. The period of detention at the public works must be



two or three times as long as the period by which the term of separate confinement is reduced, in order that the punishment may be equivalent. The term at Pentonville was 18 months; it is now 12 months; and the convict transported for 7 years, instead of the additional 6 months in separation, is retained from 1 to 2 years at the hulks or elsewhere. If the Pentonville system had been extended to all classes of convicts, those sentenced to more than 7 years would have been retained for more than 18 months in separation.\* The period for which these convicts are retained under the less severe discipline of the public works, is proportionally longer, and ranges from 2 to 10 years. And there is no doubt, that after 1 year has been spent in rigorous isolation, a second year in the separate cell will be as severe a punishment as 2 or 3 years of associated and out-door employment with increased diet. It will also be much more dreaded by the criminal classes; and it will be more effective for reformation. The limitation of separate confinement to 12 months will consequently cause a very large additional number of convicts to be retained permanently on the hands of the government; and the cost of housing, guarding, clothing, feeding, and paying officers to overlook this additional number of

\* A definite proposal to this effect was made by Mr. Russell. See Minutes of Evidence before a Committee of the House of Lords, 1837, Questions 558—563. In recommending the conditional pardon instead of the ticket of leave, I venture to think that Mr. Russell was in error. That question, however, does not affect the question as to the best system of discipline for the period during which the convict is retained in prison.

prisoners, will be a yearly, and a very heavy charge upon the country. But since the longer detention of these men is the direct result of the system of public works, the additional expenditure incurred is directly chargeable upon the system ; and since that system secures no increase of punishment, and entails a decrease of reformation, that expenditure is a national loss.

The administration of this system involves too many contingencies to admit of any correct calculation as to the amount of the yearly cost which it will entail. As a rough estimate it may probably be assumed that the additional number of convicts which it will cause to be retained will be, in round numbers, about 3000. The cost of each convict, including buildings and repairs, and contingent expenses, may be roughly estimated at 25*l.* a year. The total cost to the country of this system will accordingly be 75,000*l.* a year.

Now, for the reasons already given, the value of the labour to be performed under this system, when it is rendered permanent and general, is in reality very doubtful. No deduction, however, will be made in this estimate for any of those questionable but very serious drawbacks to the value of this kind of prison labour. Let it be assumed that the actual net profit averages 10*l.* for each prisoner. This appears to be a sufficiently high estimate. For it is evident that the average profit is to be calculated for the whole number of the convicts removed from separation, and not upon any selected portion of them. This average

gives a total of 30,000*l.* for 3000 convicts; and since this is the amount of profit supposed to be earned yearly by less than half of the convicts on the public works, the estimate assumes that the labour of the whole of the prisoners will effect a total net saving in the public expenditure exceeding 60,000*l.* a year.

Further, the estimate proceeds upon the assumption that the work would be done at a cost of 60,000*l.* or upwards a year, *if the convicts were not retained to do it.* When convicts *must* be retained for the sake of punishment, the value of the work upon which they are employed will not be very carefully inquired into. But when 3000 men are retained without any necessity or advantage, the money voted for the maintenance of these convicts is really a vote for public works. The question then resolves itself into this:—Would the 60,000*l.*, the amount supposed to be earned by the whole body of the convicts, be voted by Parliament, year after year, for the performance of the identical work performed by these men? If not, the saving, and therefore the assumed profit, is, either in whole or in part, a delusion.

The loss, however, according to the preceding estimate, even allowing the value of the average earnings to be 10*l.* for each prisoner, will be 45,000*l.* a year.\* And this estimate does not include the first cost of erecting additional prison accommodation. The outlay

\* No deduction is made for the loss of the increased profits which would be realized if the prisoner were retained during the more protracted period of separate confinement. That loss, however, is not more problematical than the assumed profit of 60,000*l.* a year from the labour of the prisoners upon the public works.

required to provide prisons for 3000 men can hardly be much less, from first to last, than 200,000*l*.\* But, if the system should be discontinued, the capital will be permanently sunk.

This estimate is also exclusive of the Irish convicts. If the system were extended to all prisoners sentenced to more than twelve months' imprisonment, the expenditure would be still further increased. Upon a moderate computation, therefore, the yearly charge entailed upon the country by the adoption of the present system will range between 50,000*l*. and 100,000*l*.

\* It is *admitted* that the hulks ought not to be retained. They are a disgrace to Christendom.

## CHAPTER IV.

### GENERAL REFLECTIONS.

THE results elicited at this experimental Prison are chiefly valuable as data for practical conclusions. In the near prospect of a readjustment of the system of secondary punishments, those data acquire considerable importance. But it would not accord with my present object to pursue the investigation to its ulterior consequences. The attempt would require the discussion of elementary principles, all of which are in dispute; and such a discussion would be out of place at the conclusion of a protracted inquiry. For the present it will be sufficient to have established, with an amount of proof little short of demonstration, that rigorous and uninterrupted separation, as originally established at Pentonville, is that system of prison discipline which is most severely penal, most reformatory, least injurious to the criminal, and least costly to the state.

There is a clear distinction between establishing the value of such a system, and determining the exact class of criminals to which it ought to be applied. Practical difficulties may be experienced in modifying the penal system in accordance with this conclusion;

but those difficulties affect neither the facts from which the conclusion is deduced, nor the correctness of the deduction. It has not, therefore, been necessary to advert, during the course of the inquiry, to the bearings of the facts upon the general administration of secondary punishments: the primary object was to ascertain fully and correctly the facts. But it cannot be expected that the practical conclusion will be accepted without reference to all the consequences of its adoption; I shall therefore advert briefly to some objections which may be raised against the preceding conclusion, upon general grounds.

I would observe, in the first place, that the adoption of this conclusion does not involve the question of transportation. Whether transportation is, or is not, to be continued, it is of the utmost importance that, whenever criminals are imprisoned, the imprisonment should be administered upon that system which is proved by experience to be the most effective. If the convict is to be transported, justice and policy alike demand his reformation. And if imprisonment is to be a preliminary discipline, for the purpose either of reforming him, or of rendering the punishment severe, it is of the utmost importance that these objects should be effected in the shortest time, and at the least expense. If, on the other hand, the convict is to be turned loose upon society at home, self-preservation will in this case dictate, what justice would equally demand in the other, namely,—a rigorous adherence to that kind of coercive discipline

which is most effective both to intimidate and to reform.\*

It is scarcely necessary to observe, in the second place, that in maintaining the Pentonville System in its integrity, it is not necessary to prolong the terms of imprisonment. The convicts, under the present system, are retained in prison much longer than they would be retained under a system of uninterrupted separation. There are also many criminals who are not transported, but are sentenced to long terms of imprisonment. It is not, therefore, to be objected that the conclusion in favour of protracted separation is practically inadmissible, inasmuch as all prisoners cannot be retained so long as eighteen months or two years. It would be equally inconclusive to argue, that because all prisoners cannot be

\* It is an error to suppose that the Public Works supersede transportation, or that they lessen, in the slightest degree, the difficulty of carrying that punishment into effect. When the convict has completed his term of associated employment, he is still transported. The time passed by him at the Public Works is nothing more than prolonged *imprisonment*. But the object of this second part of the imprisonment—as of the first part—is to inflict punishment, and to effect reformation; and both these objects might be attained more effectually, more safely, and more economically, by uninterrupted separation. The difficulty of disposing of the convict arises from his criminal character: this makes him loathsome to the colony, and an intolerable burden to the mother country. It is by reforming him that this difficulty is to be overcome; but, by adhering consistently to the system of rigorous and uninterrupted separation, the given amount of punishment will be inflicted in the shortest time, and the greatest amount of reformation will be effected. The difficulty, therefore, of disposing of the convict, instead of being increased will be diminished.

retained in separation until all are reformed, therefore all may be gratuitously removed while yet more might be reformed, and while reformation already begun might be confirmed. If Separate Confinement must have some termination, it does not follow that the twelfth month is the correct limit. Let the separation be adhered to so long as the prisoner is to be retained under penal discipline, unless indeed his removal is required on the ground of health, and the conclusion at which we have arrived will be satisfied. And it is evident that the enforcement of that kind of discipline which is most severe and most reformatory will, all other conditions being similar, admit of the minimum period of imprisonment.

A great error will be committed if the merits of the Separate System are discussed solely upon the ground of reformation. The moral improvement of the criminal had been so long and disgracefully neglected, and this system holds out so fair a prospect of reforming him, that it is not surprising that the question has turned too exclusively upon this point. The founders of Pentonville, however, were not betrayed into this error: they insisted upon the deterring power of rigorous isolation. In all penal inflictions the primary object, or at least one chief object, is to punish; the second object is, so to punish as, if possible, to reform. The distinctive merit of separate confinement is, that it is more effective than any other system of prison discipline for attaining both these objects. It is certainly more severely penal than any other kind of imprisonment, and it assuredly is the most conducive



to reformation. If reformation, therefore, should be by some considered as a hopeless or a subordinate object, this system ought to be maintained intact on account of its penal severity; and the country and the criminal may at least have the benefit of all the additional reformation which will be effected by it.

The question of prison discipline is, I admit, involved in great practical difficulties. It is a question, however, which in the midst of those difficulties must be dealt with. Hence the value of conclusions deduced from actual results. Against a system based upon such data it is no valid objection to adduce great inconveniences, or great deficiencies, among its consequences. Severe punishments inflicted upon the subject by the state are in all cases grave evils, to be tolerated only because crime is a far greater evil. Nor will any system of punishments suppress the inherent vices of human nature. To prove, therefore, that the Separate System is costly, injurious to the criminal, and not perfectly effective, is not to disprove the superiority of this system over every other. The utmost that can be aimed at in a penal discipline is to repress crime to the greatest practicable extent, at the smallest cost to the state, and with the least possible injury to the criminal. The foregoing investigations will, I hope, have made it clear that a system of rigorous and continued isolation, combined with instruction, possesses this combination of penal virtue. These investigations will also have shown, that whatever may be the disadvantages resulting from this system as originally

established, evils as great, or greater, result from the mixed system by which it has been superseded.

I have not thought it necessary to vindicate, by the usual theoretical reasoning, the fundamental principle of Separation. The soundness of that principle has been virtually proved, by the evidence which has proved the safety and advantage of the separation being rigorous and prolonged. There is, however, one theoretical objection to the principle itself, which may deserve brief notice. The isolation of the prisoner in a cell is denounced as *unnatural*. This term, “unnatural,” may be employed with great latitude of meaning. When human nature is viewed in its virtuous aspect, all vice may be said to be unnatural; when viewed in its depraved condition, vice may be termed natural. In one sense separate confinement is undoubtedly unnatural; and that men were not made to be isolated is true. Neither were they made for any kind of penal infliction; because they were not made for crime. In this sense every kind of imprisonment is unnatural, flogging is unnatural, and hanging is above all things unnatural. In fact punishment is painful only *because* it is contrary to nature. But human nature being in an unnatural—that is, a vicious—condition, Nature herself suggests these methods of repressing deviations from her fundamental laws. If men were not made to be imprisoned in a cell, neither were they made to rob, or to commit outrages one upon another.\* Experience has suffi-

\* It may be added, that although men were intended to live in a state of society, society was not intended to be an association of felons.

ciently proved, that the injurious effects of this kind of punishment are not excessive. And it would be absurd to call a method of punishment unnatural in the sense of *unlawful*, when it has been approved and advocated by the most eminent philanthropists during half a century.

The weight of authority in favour of the principle of separation is remarkable. Most leading statesmen and moralists, both in England and on the continent, when the subject has been investigated by them, have concurred in adopting the *cell* as the basis of all sound prison discipline. Among its advocates are,—in England, Bishop Butler, Howard, Hanway, Blackstone, Lord Mansfield, Paley, Sir Samuel Romilly, Mr. Wilberforce, Archbishop Whately, Lord John Russell, Earl Grey, Sir James Graham, and (I may add) Sir George Grey:—in France, M. de Beaumont, M. de Tocqueville, M. De Metz, M. Lucas, and I believe every Inspector of Prisons.\* In Belgium, M. Ducpeteaux:—in Germany, Dr. Julius and other distinguished jurists:—in Sweden, the king. In fact, the system is becoming universal throughout Europe; and it is well known that its revival in Europe is to be attributed to its extensive and successful adoption in America.†

\* Dr. Ferrus, the distinguished author of “*Des Prisons et des Prisonniers*,” with whom I have had the honour of a lengthened interview, approves fully of the *principle* of separation; though he would limit the application of this system to certain classes of criminals. In this opinion I coincide, though I should probably extend its application considerably beyond the limits proposed by Dr. Ferrus.

† I have not referred more fully to the results of the system in America, because they have been so ably recorded in Mr. Crawford’s

The views of some of the earliest of these illustrious men may have varied as to the exact extent to which the isolation should be enforced. Their opinions were deduced from imperfect data:—they had not sufficient experience of the methods by which the separation might be rendered complete, nor of the safety and success of such a system. As practical men, they would also be influenced by the difficulty of effecting an immediate and entire change in the existing system. At Petworth, however, and at Gloucester, where the local influence of the late Duke of Richmond and of Sir G. O. Paul ensured acquiescence in their proposals, the views of the leading prison reformers of the last century are seen carried into full effect. The construction and discipline at those prisons were a recognition of the value of *complete* separation. Petworth might have served as the model for Pentonville.

But when separate confinement is adopted as the basis of a system, it is not necessary to vindicate the *principle* of separation; and this is done under the existing system. It is admitted by those who have the administration of the second stage of discipline, that the convicts could not be safely congregated at the Public Works unless they had previously undergone the reformatory discipline of the cell. But it is impossible to vindicate the consistency of the theory of separation with a lax administration of the dis-

Reports on the Penitentiaries of America; and because I am not sufficiently informed to what extent moral instruction and visitation by superior officers are at the present time combined with a rigorous seclusion.

cipline. If a cellular construction is adopted, and four walls are thought necessary for the purpose of isolating the prisoner, assuredly no precaution ought to be neglected by which communication can be prevented. And if the Separate System is admitted to be the most effective during the first twelve months, it will be impossible to maintain that reformation is not sacrificed by throwing prisoners together after a year of separation. To vindicate this system, it must be assumed that the twelfth month is a climacteric period at which all the moral susceptibilities of human nature are inverted, and the dictates of religion reversed. There are those who contend that separation is altogether injurious; there are others who allow the necessity for preventing intercourse between prisoners, but maintain that this may be effected by enforcing *silence*.\* Both have their systems; and both are consistent in adapting their systems to their theories; but a mixed system of a separate discipline laxly administered, and of separation for twelve months followed by association, is a system of contradiction and paradox.

The time has arrived at which argument may be laid aside, and the appeal be made to experience. When Mr. Crawford and Mr. Russell first propounded their system it was different. Even then, however, whatever there was of experience was wholly in favour of their views. It was the opposition to their system that proceeded upon theory alone; and to the present

\* For the Circular of Lord John Russell on the Silent System, see Appendix No. VIII.

day it is upon theoretical grounds, and by opponents not personally acquainted with the actual working of the system, that its progress is opposed and its integrity undervalued. Taken in conjunction with the nature of this opposition, considerable weight attaches to a fact recorded by the late Committee of the House of Commons. In referring to conflicting evidence respecting the effects of the Separate System, the Committee states,\* that the testimony in its favour was almost unanimous on the part of Officers and Visiting Justices of prisons in which it was in operation. This statement is evidence, that wherever the system is reduced to actual experiment, practical men, familiar with other systems, become convinced of its superiority. And this statement of the Committee corroborates what is well known to those who are conversant with the subject, namely,—that the objections to the system are founded upon misconception of its real character and effects.

But while personal observation is thus proved necessary for forming a correct opinion as to the working of the system generally, it is not less necessary in order to judge of the comparative merits of the rigorous and prolonged discipline which was originally established at Pentonville. The practical working of that system was fully known only to the Commissioners and officers of the prison; their testimony to its safety and its success was too unanimous, and too precise, to be disputed: it was too often repeated to be

\* Report of Committee of the House of Commons on Prison Discipline, 1850.

recalled. The same Commissioners not having had the opportunity of observing the working of the altered system, are precluded from instituting by personal observation the necessary comparison;\* but the altered character of the results is attested by facts which admit of irrefragable proof.

It is, therefore, the opponent, not the advocate, of rigorous and uninterrupted separation, that is in reality the theorist. The recent changes have been introduced upon purely theoretical grounds. It has been *assumed* that twelve months of separation was the utmost that could be borne without excessive injury to the mental and bodily health; that it would effect all the reformation required to render the congregation of the convicts at public works harmless; that the association of the prisoners after that period would confirm reformation; and that a great saving of money would be effected. These assumptions are not only based upon theoretical grounds, but upon theory opposed to experience; every theory involved in them had already been tested by actual experiment, had been proved erroneous, and had been abandoned.

The most important of the recent changes has been the dividing of the convict's period of imprisonment into two portions; the first portion consisting of separate confinement, the second of associated employment. This system of a first and second stage

\* The evidence subsequently given by the Earl of Chichester before the Committee of the House of Commons, shows the unaltered opinion of his lordship. See Appendix, No. IX. The Report of Sir Benjamin Brodie and Dr. Ferguson has already been referred to.

of discipline was tried long before at Gloucester, and found most injurious. It was again tried on a large scale at Millbank, again proved to be most mischievous in its effects, and abandoned.\* Another very important principle of the present system is, that the duration of the convict's imprisonment at the public works is made to depend upon his conduct in prison, to the extent of several years. This theory was acted upon at Millbank ; but it was found to be most injurious ; it was condemned by the Committee of the Lords in 1837 ;† and an Act of Parliament was passed to abolish the practice.‡ Another change is, that convicts are now allowed a gratuity for their labour. It has been already stated, that this practice was tried at Millbank, was condemned by the Committee of the House of Lords in 1835, and was abolished by the Act of 7 Will. IV. cap. 13. But the grand error of the present system lies in the necessity for prolonging the period of imprisonment at the public works, to compensate for the less severe character of the punishment. This error is the more important, inasmuch as it is proposed to make such associated employment the basis of a universal system of prison discipline. This change offends against the first principles of penal science. It is a retrograde movement, by which both the country and the criminal will be deprived of the greatest boon resulting, both morally and financially,

\* Extracts from Third Report of the Inspectors of Prisons, page 90.

† Second Report of the Select Committee of the House of Lords.

‡ 7 Will. IV. cap. 13.



from the whole movement in favour of prison reform, namely,—the condensation of punishment within the shortest limits. In reference to this important principle, the Second Report of the Committee of the House of Lords in 1835, contains the following weighty words . . . “if the adoption of a more strict discipline should add to the actual weight of punishment, its duration may be proportionably diminished. And the Committee *look with confidence to a diminution of the period of confinement as one of the greatest improvements that, under any change of system, can be introduced into the management of our prisons.*”\* The introduction of associated employment at the public works is a reversal of the policy so clearly and so confidently recommended by the Lords.†

I admit, however, that the comparative merits of any system form a question of degree. By the present system good is undoubtedly effected, and the evils are not so great as they would be if the convicts were thrown together from the first. The same, however, may be said of all improved discipline; from Norfolk Island to Pentonville there is only a series of gradations, in which each system is but a degree better than another. I admit, also, that it is difficult to estimate exactly the different degrees of reformation and of penal severity under the two systems in question; and it is even more difficult to convey correct impressions with exactness. I have endeavoured to

\* Second Report of the Select Committee of the House of Lords, page viii.

† For some remarks on separate exercising yards, and other points, see Appendix, No. X.

describe the facts which have fallen under my observation as correctly as possible ; but it is not necessary that the description should be accepted as exactly accurate. Even if it should be assumed that some abatements ought to be made from the preceding statement ; that the amount of reformation formerly was less, and of late greater, than has been represented : such abatements from the premises would not destroy the conclusion, they would only lessen its importance. The problem to be solved is, not to find a system which is not the worst possible system ; but to find that system by which the greatest practicable amount of good can be effected. And if *any* deterioration in the moral results has followed the infringement upon the original discipline, assuredly the integrity of that system will be an object of extreme importance. Crime is so prolifically reproductive—the social evils which it engenders are so grave—the personal and domestic misery which it entails are so pitiable, that when *any* amount of reformation is sacrificed *unnecessarily* the result is most disastrous. The religious conversion of the criminal, although not the primary object of penal discipline, is a collateral object not to be disregarded by a Christian state. When, therefore, the eternal issues of vice and of virtue are contemplated, it is cause for profound regret that immortal happiness should be lost, or eternal woe incurred, through penal measures based upon erroneous data.

I cannot but hope that the preceding investigations will have sufficiently shown that the recent changes in

the Pentonville System have been made upon data which are erroneous. It is quite possible that under that system moral results *might* have been purchased too dearly; and that even effective punishment or reformation might have been wisely sacrificed to save reason, to save health, or to save public money. But it has been shown from the results of actual experiment, first, that no excess of insanity, no excess of sickness or mortality, no excess of expenditure, required the relaxation of the original discipline, or the limitation of the term of separate confinement to the twelfth month; and secondly, that those changes have been followed by an increase of every evil which they were designed to lessen. The evidence is, upon every point, in favour of a return to the original system, to an extent which I believe will exceed the expectations of the most decided advocates of that system.

I revert to that evidence for the sake of pointing out that the general conclusion will not be destroyed if the facts have, in some points, been overstated. Complicated results will of course admit of being represented so as to present different aspects. It may be made to appear, as I have already intimated, that the increase of insanity is to be accounted for, to some extent, by special causes; that the mortality and sickness at the public works is somewhat less than has been represented; and that the financial loss is exaggerated. Still it will not, I apprehend, be pretended that the insanity has decreased since the changes; or that the mortality and sickness at the public works are less than at Pentonville; or that

any saving will be effected. Even if considerable abatements should be made from the conclusions at which I have arrived upon all these parts of the subject, it remains beyond question that the present mixed system combines the most disadvantageous parts of both systems. Separate confinement is retained while it is least reformatory, while there is little virtue to be destroyed, while the mind can least dispense with society, and while the labour of the cell is least productive. Association is had recourse to precisely at the point at which the punishment is beginning to tell with the most lasting effect, when it becomes more important than ever to protect and foster the buddings of virtue, when the mind is most fortified against undue pressure from the separation, and when the trade, which a year has been spent in learning, becomes most productive if the prisoner continues to work at it, but is quickly forgotten if he is removed.

I do not think, however, that any material abatement can be made from the preceding statements, all the most important of the facts being recorded in the published Reports of the prison. It is only giving I believe, a literally truthful summary of the consequences of the recent changes to say, that they have impaired the penal severity of the discipline—have prevented and destroyed reformation—have considerably increased the insanity—have left the mortality and sickness at Pentonville untouched—and removed the prisoners to a discipline where the physical health has suffered far more severely, and where the pro-

longed duration of the imprisonment promises to multiply the mortality, as insanity has already been multiplied, three or four fold ; and that, with all these evils, they will involve an additional and permanent cost to the country of from £50,000 to £100,000 a year.

After all, however, I do not advocate an indiscriminate application of the Pentonville modification of separate confinement to all classes of criminals. A classification of criminals for different *kinds* of punishment, not less than for different degrees, appears to me to be the only basis for a rational penal system. What I venture to submit is, that the Separate System ought to be maintained in its integrity, as one main *branch* of the general penal system. I contend for the integrity of the system wherever it is enforced, not for its universal enforcement. But to define the exact criminal classes to whom it ought to be applied, and the modifications which it ought to undergo with other classes of criminals, would require nothing less than a solution of the whole problem of secondary punishments. Such an essay must, from its nature, be, in the first instance, theoretical ; and theory, deduced necessarily from insufficient data, would be out of place at the close of a practical inquiry. For the present, my object is to arrest a retrograde movement in prison discipline, by showing that the original discipline at Pentonville has been relaxed without cause, and to the great detriment both of the country and of the criminal.

If this conclusion is acquiesced in, it may be acted upon without the solution of any other question.

But it would undoubtedly add one weighty reason to those which already demand some readjustment of the entire system of secondary punishments. That larger and more difficult question is beyond the scope of my inquiries ; nevertheless, I may, perhaps, be allowed to offer some general reflections which appear to be legitimate conclusions from these investigations.

I. So long as the administration of prison discipline is allowed to be influenced by the contradictory theories with which the subject is entangled, systematic and consistent action is hopeless. *Some* definite principles must be adopted and acted upon.

Although it is not to be expected that upon questions of social policy any elementary principles will command universal assent, yet I venture to hope that the following will be very generally acquiesced in.

First, Whenever a criminal is to be punished and returned to society, a twofold object ought to be aimed at in his punishment ; namely,—certainly to deter others, and—if possible, to reform him. Public opinion is divided between two theories, by each of which one of these objects is propounded to the exclusion of the other. By one theory, severity is exclusively relied upon for the purpose of deterring ; by the other, industrial or moral training, for the purpose of reforming. But, in truth, the attainment of these two objects is not incompatible ; and it appears to me almost axiomatic, that that system of penal discipline will be the most perfect which combines both objects in the highest attainable degree.

Secondly, It may, I think, be adopted as a sound

principle in penal science, that whenever reformation is aimed at, it is, as a general rule, to be effected by a double process,—the criminal passions must be repressed, and virtuous feelings must be educed and strengthened. Punishment proportioned in severity to the strength of the criminal passion, or of its provocations, is the legitimate means for effecting the former process; moral agency, especially religious influence, is the means for effecting the latter.

The comparative merits of these two kinds of treatment are frequently discussed as though they were antagonistic. It is this assumed incompatibility of severe punishment and beneficent moral agency that occasions the Pentonville System to be assailed by the most opposite objections. By some it is condemned as too severe; by others, as too indulgent. But, in truth, when these opposite objections are properly considered, they afford a powerful argument in favour of this system,—it is both severe and beneficent. And since these two influences are produced by distinct elements of the discipline, and address themselves to distinct susceptibilities, the action of the one does not neutralize that of the other; they operate simultaneously:—it is certain that both are very generally recognised by the prisoners.

If these principles are admitted, the following practical Rules will perhaps be allowed for giving effect to them:—

1. Rigorous isolation is that kind of discipline under which the punishment of imprisonment may be made most severely penal.

The correctness of this rule appears demonstrable from the consideration, that the penal element of all imprisonment is a privation of liberty and its enjoyments, while by isolation in a cell the privation of liberty is complete. If to shut up a man within the outer walls of a prison is to punish him ; if the imprisonment is painful because it deprives him of the power to come and go, and shuts out from him the companions of his choice ; if to enforce silence is to increase the severity of the infliction ;—then to inclose a man within the narrower limits of a cell, speechless and companionless, must be the most severe kind of imprisonment. When penal inflictions are made more severe under any other system, their greater severity arises either from their undermining the physical health, or from their impinging and impairing those better moral feelings, which it ought to be our special aim to educe and strengthen.

2. It follows, therefore, that, in proportion as the rigour of separation is relaxed in the administration of the discipline, the severity of the punishment is diminished.

If, therefore, relaxations are introduced solely on the ground of economy, a saving will be effected only by sacrificing the object for which the discipline is enforced.

3. The only alleviations which ought to be allowed to the rigour of the isolation are those which are necessary for health, and those which are conducive to reformation.

The Separate System avowedly mitigates the rigour



of complete solitude ; but the mitigating conditions which it allows are exclusively of a reformatory character. The prisoner under this system is sustained and consoled by intercourse with superior officers, by kindness, by sympathy, by instruction : and these are the most powerful influences which can be brought to bear upon the better feelings of human nature.

But while these moral alleviations are combined with rigorous isolation, the two elements of the discipline ought to be so adjusted, that whatever is sacrificed of severity should be compensated for by the gain of reformation.

In submitting these Rules I do not advocate unmerciful severity. Punishment must be inflicted. The law of retribution is instinctive ; and Scripture distinctly asserts that “ the *punishment* of evil doers ” is one chief function of the civil ruler. The amount of punishment which is required in any given case must be determined by the rules of justice or the exigencies of society ; but whatever may be the amount of punishment justly awarded, that mode of administering it which is most effective will be the most merciful, for the very reason that it is most effective. Crime is fraught with evils of such fearful magnitude, both to the criminal and to society, that severity, so far forth as it tends to repress crime, is in reality the greatest mercy. It is the most merciful treatment for another reason ; it allows an equal amount of punishment to be inflicted in a

shorter time, and restores the man sooner to his liberty and his home. As, therefore, the more destructive methods of modern warfare result in a gain to humanity; and as the most rapid operation is the greatest mercy to the patient ; so a rigorous administration of separate imprisonment is, in reality, the greatest mercy to the prisoner.

At the same time, I would mingle as much of kindness as of severity in the cup of punishment. It is this combination of severe punishment with a beneficent moral agency which constitutes the characteristic excellence of the Separate System. While it is that kind of discipline which is the most severe, it admits of the simultaneous application of the most powerful kindly influences. And while on the one hand, these kindlier influences do not destroy its penal character, on the other hand, both the severity and the nature of the penal influence induce susceptibility of moral impressions. It is, I believe, universally true, that powerful, healthful, and permanent moral influence can only be produced when kindness and severity are thus combined. These are the centripetal and the centrifugal forces of the moral world.\*

II. It is a reflection obviously suggested by the preceding inquiry, that conclusions respecting the Separate System are to be deduced from results at particular prisons with extreme caution. The argu-

\* These are the great principles represented by the Apostle Paul as combined in the moral government of the Almighty, "Behold therefore the goodness and severity of God." Rom. xi. 22.

ment in the preceding pages has been based upon the fact, that in the same prison the early and the more recent results have been widely dissimilar, although, *nominally*, the Separate System has all along been in operation. But if no conclusion can be arrived at respecting the Separate System, from the results obtained at the prison which has been the *model* of that system, unless the difference between the original and the altered discipline is well ascertained, it must obviously be unsafe to deduce conclusions from results at other prisons, without a minute investigation into those numerous details in the administration of the discipline in each department, which are so susceptible of variation, and by variations in which the system is modified.

III. If an accurate knowledge of details is necessary in the investigation of results already obtained, there is a corresponding necessity for scrupulous exactness in the administration of the discipline.

I have adduced evidence to prove that the Separate System is the most effective kind of prison discipline, both for punishment and for reformation ; but the same evidence proves with equal clearness how greatly its efficiency depends upon details. Attention to details, indeed, may even be mischievous, when principles are violated ; but it is only when the adoption of sound principles is combined with exactness in carrying them into effect, that great success is attained. What art is there, or what science, that has been constructed otherwise than by the reduction of nature's

laws to rules? And in what art, or in what science, is perfection attained so long as those fundamental rules are contravened, or imperfectly observed? In the present day, the effort is being made with great success to reduce to the exactness of science the methods of agriculture. Follow, day by day, the slovenly and the skilful farmer:—how numerous the details in which their operations will differ in many operations, and how slight the difference! But weigh field by field the produce, and how widely different the results! While the exactness of science is thus brought to bear upon the culture of the lifeless clod, is scientific precision to be neglected in eradicating the vices and educing the virtues of the human mind?

The labours of modern prison reformers have established some certain principles, although much remains to be learned. But the consideration that our knowledge is incomplete does not exonerate us from observing what is ascertained. Nor does the necessity for caution in applying principles to extreme cases,—a necessity which is admitted,—justify general remissness in the application of those principles, when both their correctness and their applicability are attested by reason and by experiment. It is not enough that the principles of warfare are correctly acted upon by the general—his measures must be executed with exactness. The captain will be held responsible if he is not exact in his navigation. And if it is culpable, through want of exactness, to expose

to wreck and ruin the lives and the property intrusted to the vessel, is it a matter of indifference to risk, through want of rigorous and exact discipline, the fortunes and the souls of the prisoners consigned to our gaols, and the interests of society which are at stake ?

IV. While I lay so much stress upon adherence to a system, I would distinctly state, that moral and religious instruction constitute an integral part of that system.

When a man is imprisoned, the whole of the conditions under which he is placed are artificially imposed, and are included under the meaning of the term "system." When those arrangements include rigorous isolation from other prisoners, and a sufficient amount of visitation by superior officers, and of instruction for the purpose of sustaining the mind and of effecting reformation, these arrangements are technically called the "Separate System." This system is designed to act upon the prisoner in three ways; namely, to inflict a severe punishment, to exclude as far as possible evil influences, and to bring to bear upon him under these conditions all available influences for good. The means employed for the last purpose include religious instruction; and religious influence is the most important influence. Even in ordinary life, it is the most powerful bond of all social virtues; and, considering that the criminal is usually possessed of less than average moral capacity, or is liable to more than average temptation, there is so much the greater necessity that his feebler powers

should be actuated, or his greater trials be counteracted, by the most powerful of all motives.

But the great importance of this influence does not lessen the importance of the other modes of acting upon the criminal. I fully admit that the success of religious ministrations under the most favourable conditions depends wholly upon the Divine benediction ; and that success will be attained under the most unfavourable circumstances when God bestows His blessing. But the necessity for Divine grace is not to be identified with fatalism ; nor is the sufficiency of that grace to be a subterfuge for man's presumption, either in our own case or in that of others. We are taught, both by Holy Scripture and by experience, that the effect even of religious ministrations is powerfully influenced by external circumstances. The seed sown upon the unbroken fallow will be unproductive, as it is unproductive when it falls "by the way-side." Afflictions are one means divinely employed to soften the heart, and to render it susceptible of gracious impressions. Nor are there any means more calculated to "break up the fallow ground" than severe punishment, combined with prolonged reflection. On the other hand, intercourse with bad men is one of the most effectual methods for hardening the heart. When the question of prison discipline is viewed in its religious aspect, the first Psalm contains a very clear vindication of the correctness of the fundamental principles of the Separate System,—namely, the exclusion of contaminating society, combined with scriptural instruction and reflection :—

“Blessed is the man that . . . standeth not in the way of sinners, nor sitteth in the seat of the scornful. But his delight is in the law of the Lord, and in his law doth he meditate day and night.”

It is true that all criminals cannot always be kept in prison to preserve them from intercourse with bad men. But while they remain in our power, their penal position gives us a great moral advantage, by allowing the exclusion of that influence for evil. It would surely be highly culpable to refuse to avail ourselves of this advantage, because it cannot be perpetual. Criminals are in an excessively depraved condition, and their vices are injurious to society. Special measures are therefore employed in their case to raise them to an average standard of virtue. While therefore special and costly means are being employed to raise the moral character of the criminal, it does appear strangely inconsistent intentionally to admit the counteracting influence of vice.

It is not to be overlooked that there are other influences, in addition to the higher motives of religion, by which society is held together, and human passions are controlled. In fact, the influence of penal inflictions is called in only to supply the want of religious principles. Let men become religious, and they cease to be criminal, and cease also to require penal treatment. But while they remain criminal, and so long as the effort is made to intimidate or to reform them, whether by the fear of God or of man, no pains ought to be spared to prevent our efforts from being counteracted. The

moral world has its laws ; and, in either province of God's dominion, when man would bend nature to his will, it is his part to be observant of the eternal code by which Omnipotence rules. To control bad men is nothing less than regulating the deranged masterpiece of Heaven's workmanship. The power, indeed, is from God, but the agency which applies it is human. And shall mechanism of such exquisite workmanship be regulated by man's hands without method, and without exactness ? To employ ourselves in doing God's work, and yet to neglect complying with those self-imposed laws of which the Almighty is observant, is to exhibit the reverse of distrust of our own powers. To look to the Divine introvention for success, while disregarding the Divine arrangements, is to "tempt God ;" and to rely on our own efforts, untrammelled by regulation, is to arrogate to ourselves a prerogative more absolute than is exercised by Omnipotence. When human reason can discover the laws which Heaven ordains, and when human skill can apply the forces which Heaven supplies, then only will the power and unchangeableness of the Creator co-operate with the feebler efforts of the creature.

To different minds, the subject of prison discipline will, of course, present different aspects. The economist will view it as a question of finance ; the philanthropist, as a question of humanity ; the statesman will estimate the efficiency of each plan in all its bearings ; while they, of whatever class, who regard chiefly man's immortal destinies, will contemplate the



criminal as one for whom the Son of God was content to die, as a prodigal son of Heaven, of whose wanderings angels are intently observant, and for whose return they are waiting to rejoice. But whatever is the point of view, the ultimate conclusion is the same: the System of Separation is that which most nearly meets the requirements of Economy, of Philanthropy, of Policy, and of Religion.

Upon all these grounds, therefore, I submit, for the consideration of those to whose charge the destinies of their fellow-creatures are in this matter so largely intrusted, the importance of maintaining the system of rigorous and uninterrupted separation, as being the most effectual and the most humane method of correcting and reclaiming offenders. I submit this conclusion and the data from which it is deduced with the utmost respect for those with whom the decision ultimately rests; but with the earnestness, I may almost say the solemnity, which befits the magnitude of the interests at stake. I urge the adoption of this conclusion, not by predictions of universal success, but by considerations of responsibility. I advocate an adherence to the Separate System in its integrity, because under this discipline more than under any other, at the least cost to the State, and with the least injury to the criminal, kindness may be combined with severity, the influences which most counteract reformation may be excluded, the most powerful motives to virtue may be brought to bear upon the prisoner, and the rules for living virtuously may be most successfully inculcated. By these means all

that can be done by human agency will be done, to achieve the great ends at which a Christian State ought to aim in the infliction of punishment upon its criminals.



## APPENDIX.

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### No. I.

THE following extract from the evidence given by Sir G. O. Paul, before Committees of the House of Commons, contains the testimony of that eminent prison reformer to the successful results of Separate Confinement at Gloucester :—

In reply to the question, “What do you conceive to have been the moral effects of the penitentiary system in the county of Gloucester?” Sir G. Paul said, “Whilst I acknowledge, regarding the whole of the system of imprisonment, that (like other ardent theorists,) I imagined more than has been, or than perhaps could be, brought into practice and effect, I am sure I am justified in saying, that the Penitentiary-House has succeeded in its effects beyond the theory imagined by the original projectors of the system,—far indeed beyond my most sanguine expectations.”

It appears, that in 1819 Sir G. Paul was examined before another Committee of the House of Commons, and renewed his testimony in nearly the same words.

There is also satisfactory evidence of the success of the same system, at Petworth.—See Extracts from Third Report of the Inspectors of Prisons, pp. 74, 75. For an interesting account of the Petworth Prison see the same valuable Report, pp. 78—81.

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## No. II.

*Preamble of the Act, 5 Vict., Sess. 2, Cap. xxix., entitled "An Act for establishing a Prison at Pentonville."*

"WHEREAS it will be of great public advantage that a new prison be provided, in which criminal offenders may be imprisoned and corrected, and may receive *such instruction* and may be subjected to *such discipline as shall appear most conducive to their reformation and the repression of crime*, and that provision be made for the future disposal of such convicts : And whereas a building has been erected at *Pentonville*, in the county of Middlesex, which may be conveniently used for such purpose, and the same is now completed for the reception of convicts : Be it enacted," &c.

*Letter addressed to the Commissioners for the Government of the Pentonville Prison, by the Right Hon. Sir James Graham, then Secretary of State for the Home Department.*

*Whitehall, 16th Dec., 1842.*

MY LORDS AND GENTLEMEN,

I have the honour of transmitting to you copies of two Despatches addressed by Lord Stanley to the Governor of Van Diemen's Land, which contain instructions for carrying into effect the classification of convicts, according to a plan to be adopted in the penal colony.

This plan has been carefully considered by her Majesty's servants ; it has received their deliberate sanction, and if the consent of Parliament be obtained, it will be carried into immediate execution.

In framing this measure of regulated punishment, we have not overlooked its connexion with the prison which is placed under your superintendence ; and I avail myself of this oppor-

tunity for laying before you the view which I take of the use to be made of Pentonville Prison, and of the mode in which it may be rendered the most effective auxiliary to an improved scheme of convict discipline.

It is useless to discuss the abstract question, whether, under any regulation, a prison can supply the means of reforming the character of hardened offenders. It is enough to observe, that the limited number which the Model Prison can obtain, will, in the hope of reformation, be generally confined to those who are convicted of their first offence, and whose age is between eighteen and thirty-five.

Considering the excessive supply of labour in this country, its consequent depreciation, and the fastidious rejection of all those whose character is tainted, I wish to admit no prisoner into Pentonville who is not sentenced to transportation, and who is not doomed to be transported.

The convict, on whom the discipline might have produced the most salutary effect, when liberated and thrown back on society here, would still be branded as a criminal, and would have an indifferent chance of a livelihood from the profitable exercise of honest industry. His degradation and his wants would soon obliterate the good impressions he might have received, and by the force of circumstances which he could not control, he would be drawn again into his former habits, he would rejoin his old companions, and renew the career of crime.

Not so the convict transported from Pentonville. The chain of former habits would be broken ; his early associations would be altered ; a new scene would open to his view, where skilled labour is in great demand, where the earnings of industry rapidly accumulate, where independence may be gained, and where the stain of tarnished character is not quite indelible.

This is the favourable position for ripening the fruits of improved prison discipline ; this is the best chance for turning to account the instruction given in useful manual labour ; this is the prospect which will revive hope in the bosom of the prisoner, which will confirm his good resolutions, and which will stimulate him to energy and to virtue.

I propose therefore, that no prisoner shall be admitted into Pentonville without the knowledge that it is the portal to the penal colony, and without the certainty that he bids adieu to his connexions in England, that he must look forward to a life of labour in another hemisphere.

But from the day of his entrance into the prison, while I extinguish the hope of return to his family and friends, I would open to him fully and distinctly the fate which awaits him, and the degree of influence which his own conduct will infallibly have over his future fortunes.

He should be made to feel, that from that day he enters on a new career. The classification of the convicts in the colony, as set forth in Lord Stanley's Despatch, should be made intelligible to him. He should be told that his imprisonment is a period of probation; that it will not be prolonged above eighteen months; that an opportunity of learning those arts which will enable him to earn his bread, will be afforded under the best instructors; that moral and religious knowledge will be imparted to him, as a guide for his future life; that at the end of eighteen months, when a just estimate can be formed of the effect produced by the discipline on his character, he will be sent to Van Diemen's Land, there, if he behave well, at once to receive a ticket of leave, which is equivalent to freedom, with the certainty of abundant maintenance, the fruit of industry; if he behave indifferently, he will be transported to Van Diemen's Land, there to receive a probationary pass, which will secure to him only a limited portion of his own earnings, and which will impose certain galling restraints on his personal liberty; if he behave ill, and if the discipline of the prison be ineffectual, he will be transported to Tasman's Peninsula, there to work in a probationary gang, without wages, deprived of liberty, an abject convict.

This is the view which should be presented to the prisoner on the day when he enters Pentonville; this is the view which should never be lost sight of, either by him or by those in authority over him, until the day when he leaves the prison for embarkation, and when, according to the register to be

kept of his conduct, the Governors will determine in which of the three classes he shall be placed.

It will be open to the Commissioners, at any period of the imprisonment, to report to the Secretary of State cases which appear to them hopeless from the incorrigible character of the offenders, or where failing health or any other circumstances may render immediate removal from the prison desirable; and the Secretary of State will exercise his discretion in each case, with respect to the future destiny of the prisoner.

My wish is, that Pentonville shall be for adults what Parkhurst now is for juvenile offenders—a prison of instruction and of probation, rather than a gaol of oppressive punishment; excepting that the more severe discipline of the Separate System is in Pentonville applied to those of riper years, while the tender youth at Parkhurst is not exposed to the full rigour of this salutary discipline.

But the same classification in the penal colony is held out as the object of hope and fear to the inmates of both prisons: the same moral agents will be employed—the same stimulants—the same correctives.

Eighteen months of this discipline appear to me ample for its full application. In that time the real character will be developed, instruction will be imparted, new habits will be formed, a better frame of mind will have been moulded, or the heart will have been hardened, and the case will have become desperate.

The period of imprisonment, therefore, will be strictly limited to eighteen months. At the expiration of this term your recommendation will be transmitted to the Secretary of State, which will fix the class to which the convict will belong on his arrival in Van Diemen's Land. You will be mindful of the extent of discretionary power thus intrusted to you, which will have the effect either of aggravating or of diminishing for years the punishment of a large body of criminals. You will use every precaution to prevent the operation of favour or caprice in the reports, which will decide or influence your judgment on the character and merits of each prisoner;



recollecting always, that on your decision his fate in the penal colony will almost entirely depend.

I might enlarge on other points, and descend to minute details of management, but I rely implicitly on your prudence and good judgment; and I trust that the great experiment committed to your care will be conducted with firmness, tempered by mercy; and that, combined with the new arrangements of graduated punishments in the colony, it may be blessed with success, and not only by example prevent the commission of crime, but reclaim from the error of their ways thousands of unhappy criminals who, without your benevolent exertions, would have fallen the hopeless victims of depravity.

I have the honour to be, with great respect,

My Lords and Gentlemen,

Your obedient Servant,

(Signed)

J. R. G. GRAHAM.

*The Commissioners for the Government  
of Pentonville Prison.*

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### No. III.

THE testimony of the colonists to the excellent conduct of the "exiles," was unanimous and conclusive. I may adduce the following evidence, as quoted by the Commissioners in their Fifth Report, pp. 5, 6:—

"It is highly gratifying to learn that the conduct of the exiles has been generally excellent, their habits regular, and free from that intemperance which accompanies too often those who have obtained indulgence."\*

"It further appears, from the Report of the Select Committee of the Legislative Council of New South Wales, on the renewal of Transportation, dated 31st October, 1846, that

\* Sir Eardley Wilmot to Lord Stanley, August 5, 1845.

there is 'uniform testimony given in favour of the decent and orderly conduct of the Pentonville exiles landed some time since at Port Philip;' and it is also stated in the minutes of evidence taken before that Committee, that 'the exiles are generally admitted to be a most valuable acquisition to the colony;' that 'they are the best class of men the colonists ever had, and, as a body, superior to the class of immigrants sent from home;' that they are 'a young and hardy class of men, and very useful;' that but 'few instances have occurred of the Pentonville exiles having committed crimes since they have come to Port Philip; and that if a large number of Pentonville convicts were introduced into Port Philip, they would immediately meet with employment among the settlers.'"

Unimpeachable testimony from private sources might be added. But Mr. Latrobe's testimony renders further evidence unnecessary. Nor does that testimony derive greater weight from his high official position, than from the higher dignity of his personal worth.

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No. IV.

*Extracts from a Report on Pentonville Prison, by Sir Benjamin Brodie and Dr. Ferguson; dated January, 1851. (Not published.)*

"It is reasonable to suppose that many whose characters seemed to have been reformed while in prison have relapsed afterwards, and that some of the more cunning and accomplished culprits may have pretended to be reformed, though not in any degree reformed in reality. Still, we are satisfied that in a great number of instances there was a real moral improvement; and this opinion is confirmed by the reports relating to the convicts sent with conditional pardons, as exiles to Port Philip, communicated by the superintendents of the convict-ships, as well as by those received from the colony afterwards."—(pp. 5, 6.)

"We are unable to connect the occurrence of mania with a greater length of imprisonment. In many instances the disease showed itself in those who had been very recently admitted; and it has been very clearly shown by the Rev. Mr. Burt, in the evidence given by him before the Committee of the House of Commons, that in *the first nine months there is a greater liability to mania*, than in the whole term of imprisonment afterwards.

"It is difficult to compare the statistics of Pentonville Prison, as to the physical and moral condition of its inmates, with those of ordinary prisons, in which there is a rapid succession of individuals condemned to short terms of imprisonment. As far as we could pretend to institute such a comparison, during the time in which we acted as Commissioners, it seemed to justify the belief that the Separate System, if prudently and carefully conducted, is, to say the least of it, as little prejudicial, as it regards either body or mind, as other modes of imprisonment. We thus express ourselves, believing at the same time that, without due precautions being used, especially as to keeping the attention of the prisoners occupied by employment in various trades, by instruction in school, by affording them the opportunity of reading, and by moral and religious instruction judiciously administered, there are few minds which would not suffer from the monotony and *ennui* of this mode of existence, continued during even a shorter period than that of eighteen months; and it is conformable to all medical experience, that such moral depression must be a fruitful source of bodily disease. With due attention on the part of those to whose management it is confided, the Separate System may be rendered both safe and useful, and without it the expectations of those who recommend it will terminate in disappointment. This is the opinion which we expressed on a former occasion, and we find no reason to alter it."—(pp. 10, 11.)

"The prison at Pentonville was instituted for the purpose of making an important experiment in prison discipline; namely, the combining the punishment of offenders with the

attempt to reform them. Such is the object expressly stated in the Act of Parliament under which the prison was established; and such was the object kept in view during the whole of the period in which we acted as Commissioners. At the present time, although it may be ostensibly otherwise, this object is in reality almost wholly abandoned. We do not undertake to consider the question as to the expediency or inexpediency of so important an alteration, but merely express our opinion as to the matter of fact."—(pp. 17, 18.)

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No. V.

THE following description of the method of communicating by knocking, is printed *precisely* as it was given me, by a prisoner deserving of credit:—

"My experience has taught me, that the unhappy inmates of these receptacles of crime are not altogether devoid of ingenuity; for, independent of a language entirely original, which they claim as their own, and many words of which (during my residence among them at Newgate) I acquired, they have also invented a system of communicating, even though occupying different cells, thereby baffling the intentions of the separate confinement. The plan is this (as taught me by a youth, who desired, in case we might be neighbours, a regular communication, and, even by these means, instruction in French,) to write upon a piece of paper the letters of the alphabet, and under each letter place a number, commencing at one, thus:—

A.	B.	C.	D.
1.	2.	3.	4.

 &c., &c. A person wishing to

communicate with his neighbour, would then rap with his knuckle or nail on the wall, spelling the words with numbers instead of letters. Thus, to propose the question, 'How do you get on,' I should knock thus:—

h	o	w	d	o	g	e	t	o	n
8	15	23	4	15	7	5	20	15	14;

and between each word give three rapid knocks, to imply the

word was complete. This system of corresponding, although at first sight it may appear tedious, is much less so than one would imagine; for regular practitioners are so thoroughly acquainted with the numbers of each letter, that a conversation is carried on with the same facility as by talking with the fingers; besides, in their system they have many abbreviations for yes, no, &c., and a sort of freemasonry, or certain signs, both rapid and convincing, and perfectly intelligible to each other. Many may doubt this statement, as I did myself when I was first initiated; but I can positively assert, that I have *myself*, with my limited knowledge of this curious system, learnt a great portion of the history of a party who never opened his lips to me, nor would I desire that he ever should. From this individual I learnt his name, place of birth, offence, sentence, the date of his coming into the prison, and many other circumstances, which he contrived to make me acquainted with before I had ever seen him, or had been in my cell four-and-twenty hours."

The truth of this statement was verified by the fact, that the name, birth-place, crime, and sentence of the prisoner in the adjoining cell were correctly stated by my informant, although they had no previous knowledge of each other whatever. It may be added, that the prisoner who communicated the information was convicted in a wrong name, while no officer of the prison knew that he had another name until it was discovered in this manner. Other prisoners have given me a similar description of this method of communication, which may be termed the prisoners' electric telegraph.

This description agrees exactly with the description given by the unfortunate youth, Alexander Andrayne. In the case of the political prisoner, we regret the rigour which made such an expedient necessary. It is far different in the case of the housebreaker, the pickpocket, and the manslayer. Both the prisoners referred to above had been convicted of murderous assaults; and the one who communicated the particulars of his case had narrowly escaped being tried on a capital charge: as it was, he had been transported for fifteen years. It surely

cannot conduce either to effective punishment or to reformation, that such men should beguile their hours, or stimulate each others' criminal propensities, by recounting their deeds of violence.

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## No. VI.

*Conclusion of the Sixth Report of the Commission for the Government of the Pentonville Prison.*

"In concluding this Report we now offer a few observations for the purpose of meeting some of the objections that are still urged against the system of separate confinement, as administered in this prison, and which, if well founded, would prevent its general adoption.

"In a former report we have expressed an opinion, that a convict might safely be subjected to this kind of punishment for a period of eighteen months—the time originally determined by Government. Another year's experience has confirmed that opinion.

"In referring to the medical statistics, and other facts recorded in our Reports, for the ground of these conclusions, it is important to notice, that a large number of the prisoners had undergone several weeks, and occasionally months, of previous imprisonment: that some had been unavoidably detained at Pentonville for two or three months beyond their regular time, awaiting the necessary arrangements for embarkation; whilst all had been subjected to the prospect of transportation at the expiration of their imprisonment.

"It will thus appear that the experiment has, in some respects, been severely tried in this prison.

"But we would here observe, that whatever be the period of confinement, it appears to us of the utmost consequence, both on moral and physical considerations, that the prisoners should be maintained in a state of mental and industrial progress. To sustain this progress is one of the most important objects

to which the attention of those concerned in the prisoners' education should be continually directed; whilst the cessation of it would be a proof of some defect in the system of education, or in the working of it, rather than the result of any natural or necessary law.

"As an objection to the general adoption of this system of separate confinement, it has been maintained by some, that a large proportion of convicts are by constitution and disposition naturally unfit subjects for this kind of punishment.

"We at once admit that men afflicted with any predisposition to insanity are unfit subjects for a punishment involving so much solitude, and that others who are decidedly of a scrofulous or otherwise diseased constitution, are equally unfit for any lengthened term of imprisonment.

"For such exceptional cases, provision must be made under any conceivable system.

"We admit, however, that, besides these exceptional cases, there is a class of convicts who, from the low standard of their intellectual faculties, or from the sullenness of their dispositions, are disqualified for deriving from any corrective or reformatory process that amount of benefit which is derived by others. But the question, as one of criminal jurisprudence, is not whether these are the fittest subjects for the punishment, but whether the punishment is a fit and suitable one for them. In order to determine this question, we would refer to our own records, which prove that some who seemed to belong to this class have materially improved both in intelligence and disposition; whilst there is no ground for supposing that any have derived less benefit, or suffered more in health, than would have been the case in any other prison. It appears indeed, that this class of convicts are, under all the various systems that have been tried, the most untoward and difficult subjects for discipline and correction.

"If then, even to this class, the system in question is attended with no physical disadvantages, that are not common to every other, whilst it alone holds out any reasonable hope of their moral reformation, it seems both unwise and unjust to exclude them from what may terminate in so important a

benefit. But if such an exclusion would be wrong, upon the supposition that the real character of a convict could at once be ascertained, it will appear still more so when we consider that convicts are frequently in the habit of feigning such dispositions and infirmities, in order to obtain some supposed amelioration of their condition.

"We are decidedly of opinion, that the life of a convict under sentence should be probational as well as penal; in other words, that his after-condition should in some degree be affected by his conduct under punishment. But, on the other hand, we can conceive nothing more unfavourable to reformatory discipline than a frequent relaxation of system in the same prison, or a frequent removal from one prison to another, on the ground of a convict's supposed mental or physical infirmity.

"It may be necessary to provide for a few cases in the way of exception, but we believe it to be of the greatest importance that the rule of public punishment should be fixed and certain.

"In discussing these questions it should be remembered, that, abstractedly considered, punishment is an evil, tending to depress or irritate the mind, and consequently prejudicial to the physical health.

"The different modes in which human punishments are administered are necessarily artificial, but, if based upon a sound knowledge of human nature, and regulated by a spirit of justice and benevolence, they assume the character of those natural or divinely-appointed consequences of wrong doing, which are not merely penal, but mercifully adapted to the correction and restoration of the offender.

"And since we find that, for the most part, great afflictions are the appointed consequences of great moral delinquencies, and that under this natural correction some minds and constitutions, both amongst the penitent and impenitent, are broken and impaired, it must not be expected that such results can be altogether avoided under any penal institution which human wisdom or benevolence can devise.

"It is, however, a most encouraging fact, that, under a system like that at Pentonville, the physical and mental condition of the prisoners is far more satisfactory than that of the



same class of men, when undergoing the natural consequences of their dissolute lives and habits in the world. The records of workhouses and lunatic asylums, and still more, the early deaths of such characters, abundantly prove this assertion.

“ But to manifest more positively the remedial character of the system, we would refer to those encouraging reports of our exiles, from which we have made extracts in the Appendix to this and former Reports.

“ We conclude these general observations by a remark suggested by the joint consideration of the favourable and unfavourable circumstances in those Reports.

“ These appear to us to demonstrate, that, whilst the discipline and instruction at Pentonville have not in all cases prevented the exiles from relapsing into crime when exposed to severe trials and demoralising associations, by far the greater part of them have become useful and valuable servants, superior, as we are told, to the average of free emigrants.

“ We regard this view of the subject as highly encouraging, for it seems to prove that if this system were generally introduced, a large proportion of our convicts would be qualified, on their discharge, to occupy an honest position in their own or any other country; and if so, we believe that, under ordinary circumstances, there would seldom be wanting motives of self-interest and benevolence to afford them that employment which would enable them to become useful and exemplary members of society.

“ (Signed)

“ DEVON,  
“ CHICHESTER,  
“ HARROWBY,  
“ WILLIAM MOLESWORTH,  
“ BENJ. C. BRODIE,  
“ ROBERT FERGUSON, M.D.  
“ BENJAMIN HAWES,  
“ BISSET HAWKINS, M.D.”

## No. VII.

There are three ends to be answered by partitioning the Chapel as at Pentonville, in order that each prisoner may have a *separate* seat, and that the isolation may be maintained throughout. It cuts off communication; it promotes attention; and it prevents mutual recognition after the liberation of prisoners,—one consequence of congregating prisoners fraught with grave evils, and which is inevitable unless the separation is complete. The economy of labour in instructing the prisoners, is a fourth advantage.

There are also three objections raised to this construction of a prison Chapel:—

First. It is objected that it facilitates communication between prisoners, instead of preventing it. The answer to this objection is, that it certainly prevents mutual recognition, and the passing of signs. If it does not completely cut off communication by other means, the fault lies either in the supervision or in the *construction*. At Pentonville the construction is decidedly faulty; and I have been informed that at Wakefield, where this mode of construction has been abandoned, the arrangement of the Chapel was worse than at Pentonville.

Secondly. It is objected that the prison Chapel ought to be the counterpart of an ordinary Church.—One reason alleged is, that a habit of attending the house of God will be promoted by this resemblance. But if the uniformity of the service does not form the basis of such a habit, or if the love of God's house does not supersede the necessity for habit, mere external similarity will avail little. Besides, the mere removal of one point of dissimilarity between the prison Chapel and the ordinary church does not create a resemblance. Let the partitions be taken down, and there will still be the blue uniform in front, and the grey or speckled dress around, and the stern discipline.—Another reason alleged in favour of this resemblance is, that the prisoner

ought to forget his penal position while in the house of God. I would answer: first, that the intended consolation ought to be found in the offices of the place, rather than in its architectural arrangements.—Secondly: that the partition, which secludes the prisoner, is scarcely more calculated to remind him of his position, than the grizzled dresses which its removal will disclose, and the face of each well-known '*pal.*' These are likely to distract his attention; the isolation to concentrate it. Thirdly. Is it true that the prisoner *ought* to forget his penal position in approaching his Maker?—He has broken the laws of God, he has openly dishonoured his Christian profession, and he is suffering under the laws of his country, and perhaps a loved family is suffering with him. Is not the consciousness of this his humiliating and penal position calculated to deepen the self-abasement of his confessions, and to add fervour to his supplication for pardon and for deliverance? But there cannot be a consciousness of these things without the remembrance of them.

A third objection to this construction is, that public worship ought to be social; and that this isolated worship is unsocial. To this objection I would answer, first, Does the sociality of public worship depend upon the worshippers looking at one another? If so, then the blind cannot realise "the fellowship of saints:"—and then the devotions of those who occupy the front row in a church, and face the chancel, must be unsocial. Secondly: Although the worship of the Church ought to be social, the Church ought not to be a society of felons. In this sense it may be said, "God's house ought not to be made a den of thieves." When we congregate felons at the "Throne of Grace," while yet the majority are unhumiliated and impenitent, we shall surely promote devotion by divesting the congregation of its felonious aspect. The protection afforded to the prisoner by isolation is pre-eminently a blessing in the presence of his Maker. The position in which he is placed, at all events, justifies the precaution; and it may be doubted whether, in that position, it does not conduce to devotion rather than obstruct it. What, but his remembrance of his

position, will lead to that fervency in which it will be forgotten? What insures that the heart shall be divinely healed, but that it shall first be broken? I intend, of course, a heart broken with "godly sorrow."

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## No. VIII.

*Circular of the Right Honorable Lord John Russell, when Secretary of State for the Home Department, to the Magistrates assembled at Quarter Session of Peace and to the Justices of Boroughs.*

"Whitehall, August 15, 1837.

"GENTLEMEN,

"I have the honour to send you a volume of extracts from the Second Report of the Inspectors of Prisons for the Home District. You will find, in this volume, different plans of gaols or houses of correction, adapted for various numbers of prisoners, from four up to five hundred. You will observe that each of these plans contemplates the confinement of the prisoners in separate cells.

"I proceed to lay before you the grounds upon which I am disposed to concur with the Home Inspectors, in the opinion that any new prisons to be erected should be constructed with a view to separate confinement.

"The plan which has of late years been most generally adopted, in order to prevent the evils of contamination, proceeds on the principle of separation at night, and strict silence during the hours of labour. This plan is subject to the following operations :—

"1. It requires numerous punishments in the gaol. You will observe, from the Report of the Coldbath Fields Prison, and from that of the Wakefield House of Correction, contained in the Report of the Inspector of the Northern District, that these punishments are large in number, and exceedingly vexa-

tious in their nature. This practice is of itself a strong objection to the plan: it varies the punishment unequally in different cases; and the imprisonment contemplated by the sentence is thus aggravated by the infliction of fresh penalties.

“2. A feeling of continual irritation is kept up, both by the observance of the rule and by the punishment for its violation. Persons confined in a prison should, if possible, be reduced to a quiet and submissive state,—whereby they may at leisure reflect on the evil of the course they have pursued, and some chance be afforded of their reformation. Instead of this, prisoners confined in society, and not debarred from communication, are invited, as it were, to a perpetual battle with authority, and go out of prison provoked, rather than subdued, by the punishment they have undergone.

“3. The low diet, which is one of the punishments frequently inflicted, has often an injurious effect on the health, while it does not prevent a repetition of the offence.

“4. This system cannot be kept up without perpetual vigilance on the part of a very numerous body of keepers. The system is therefore combined, almost of necessity, with the very injurious practice of employing prisoners as wardsmen; by which means, a person convicted of crime, and degraded by the sentence of imprisonment, is immediately placed in a situation of power and authority, and considered as worthy of trust and indulgence. Besides this anomaly, so contrary to all sound notions of prison discipline, the practice alluded to gives rise to much intrigue and favouritism—every prisoner being anxious to obtain the place of wardsmen, and, when so employed, dispensing favour to those of the convicts with whom he has the most intimate connection.

“For these reasons, and others, I am disposed to believe, that the silent system, if fully carried into effect, would be attended with much evil. But there are in fact very few prisons where the vigilance and activity of the Governor of the prison have been such as to make the system really effective; and in all such cases, while noise and uproar are repressed, contamination exists to the most pernicious degree.

"I should therefore be anxious to see the system of separation adopted in all new prisons, and, as far as it is practicable, in those already constructed : but great care must be taken, when this system is put in operation, not to confound *separate* with *solitary* confinement.

"It is generally understood that solitary imprisonment implies confinement in a gloomy and narrow cell, without occupation, and with a diet of bread and water only. Separate confinement, as recommended by the Inspectors of the Home District, means, on the other hand, confinement in large, airy, light, well-warmed, and ventilated cells, with moral and religious instruction, regular employment, and the daily visits of the chaplain and officers of the prison, as well as of those engaged in the instruction of the prisoners.

"It is obvious that this system of confinement would be subject to a very unfair experiment, if it were tried where there do not exist the means of setting apart cells of proper dimensions and wholesome ventilation ; or, if the prisoners so confined should be left without employment or instruction of any kind to brood over their melancholy condition.

"Where, however, these precautions can be observed, and are properly attended to, there can be no reason to doubt that, whatever be the result with respect to the more hardened offenders, opportunity will be given for saving, from a course of crime and disgrace, those young and casual offenders, whose previous good character is a proof that their crimes are not the result of confirmed habits. According to the system still too generally prevalent, such offenders, in being sent to gaol, are in fact sent to a school where elaborate instruction is given for the violation of the laws, and where the sense of shame is destroyed by the number and confidence of guilty companions. By the regulations of the separate system, such persons would be strictly separated from all other criminals, would have the means of repenting of their offences, and, when discharged, would not be liable to be claimed and recognized by convicts who had been inmates with them in the same prison.

"I beg further to call the special attention of the Magistrates

to those parts of the Abstract which relate to the expediency of applying separate confinement to the untried, and which describe the general principles to be observed in the arrangement and construction of prisons upon that system.

"I have the honour to be,

"Your obedient humble servant,

"J. RUSSELL."

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No. IX.

*Extracts from the evidence given by the Right Hon. Earl of Chichester, before a Select Committee of the House of Commons on Prison Discipline, on the 14th and 28th May, 1850.*

QUESTION 6656. (*Sir J. Pakington*). May I ask your Lordship's opinion of the full working of the separate system as you have seen it carried out at Pentonville?—I have not the shadow of a doubt of its success at Pentonville.

6657. Of its success in what respects?—In the first place, as a severe and therefore a deterring punishment to a very large majority of the prisoners; and secondly, as the most efficient means that I have ever been acquainted with of producing good, moral, and religious impressions, and leading the men to become upon their liberation, in the large majority of instances, where moderately fair opportunities were given them, good and useful members of society.

6958. From your Lordship's observations at Pentonville, have you any apprehensions with regard to the possible effects of long-continued separation either upon the bodily health or the mental state of prisoners?—Not as peculiar to the separate system. I am quite aware that all long imprisonments must be prejudicial to some constitutions, and perhaps more so to the kind of character, and therefore the kind of constitutions, which belong to the criminal population. With reference to its effects mentally, my belief is, that it has not more of that

tendency than any system of prison discipline, which constitutes a sufficiently severe punishment to be a means of deterring from crime.

6659. Has your Lordship seen the last Report on Pentonville Prison, which has been placed in our hands as members of the House of Commons within the last fortnight?—It was submitted to me. I did not sign it, because although I am still a Commissioner of Pentonville Prison, I have virtually resigned nearly twelve months since; but I have read the Report very attentively.

6660. In reading that Report your Lordship must have seen that the amount of insanity in the last year at Pentonville was greater than any preceding year, and also that there had been an unusual number of attempts at suicide. Do you think that those facts with reference to the amount of insanity, and the number of attempts at suicide, are altogether unconnected with the separate system?—I think they are unconnected with the element of separation in the system; and I may give as a reason for that opinion, that during the last year the separation has been less strict, and the period of confinement has been shorter than it was before.—(pp. 433, 434.)

\* \* \* \* \*

6664. With regard to cases of suicide, my belief is, from considerable experience in different prisons, that any system that is at all vexatious and trying to prisoners' tempers, much more frequently leads to either feigned or real acts of suicide than any system of separation acting merely in the way of depressing the mind; and I think that that might be proved by returns from some of the inspectors of prisons and others, but it is clearly the result of my own experience.—(p. 435.)

\* \* \* \* \*

6667. Your Lordship is not apprehensive then, as I understand, that the depressive effects of complete separation from mankind may be injurious even to the reception of religious knowledge, which is so essential to reformation?—If it were complete separation, I should think it decidedly hazardous. I may mention here, that I had a very interesting conversation



some years ago with a very intelligent gentleman, Dr. Howe, of Boston, who came to inspect Pentonville Prison. After inspecting it, I asked his opinion, as a medical man, and a man who I knew had bestowed a great deal of time and study upon both physical and metaphysical subjects, what his opinion was on the effects of the system at Pentonville. He in reply told me he had been, during the whole of his professional life, writing and speaking against the separate system in America, "But," he said, "the separate system, as it is administered at Pentonville, meets all my objections."—(p. 435.)

6673. (*Chairman*). Will your Lordship be kind enough to read a statement which you have prepared?—In addition to my former evidence I would state, with the permission of the Committee, that, in considering the subject of penal institutions, it should be borne in mind that the first and main object of them is the prevention of crime. This object it to be attained principally by attaching to the punishment so much of severity or suffering as may render the prospect of it a means of neutralizing or diminishing the ordinary temptations to offend. But for the sake of prevention, no less than by the requirements of the law of charity, it is also necessary that the punishment should be made a means of promoting the moral reformation of the offender; and experience has, I think, amply proved that the systems of punishment most successful in reforming the offender have been equally so in their deterring effects. Loss of liberty, entire separation from criminal society, long periods of solitude, broken chiefly by the inculcation of moral and religious truth, are means that, in a large majority of instances, are found to subdue the stoutest and most reckless spirits, and to induce a state of mind which, however painful to endure, is the best and the natural basis of a real and lasting repentance. I need scarcely add that a prisoner so circumstanced is in a position peculiarly fitted to receive and appreciate the consolatory truths of our holy religion, which afford him the only true safeguard against despondency or despair; but this kind of treatment has been found, moreover, to be much dreaded by the criminal population out

of doors. From these considerations I draw the following inductions:—Firstly, That the severity of punishment should be, both in kind and in degree, sufficient to produce a strong and lasting impression upon the offender, and a salutary dread of incurring it upon the community at large. Secondly, That the punishment should be of a kind calculated to subdue rather than to irritate the prisoner, and to promote calm reflection upon the past, rather than angry and vindictive feelings in regard to his present lot. Thirdly, That in order to satisfy these two conditions, the degree and the duration of separate confinement must be sufficient to render solitude positively irksome. And lastly, that the principal relief to this solitude should consist in such instruction and occupation of the mind as may tend to produce or strengthen true feelings of contrition and good resolutions for the future, directing the mind also to the consolatory doctrines of religion, and such hopes of future happiness in this world as the case may reasonably admit of. In addition to this, the prisoner should be employed at intervals in such manual and mental occupations as may be found to be wholesome exercises for his mind and body. I would moreover very strongly insist upon the importance of not sacrificing the penal element of punishment for the sake of giving greater or more speedy effect to the reformatory process, the former being, in my opinion, quite as essential to a real and lasting reformation, as what may be termed a purely reformatory treatment. Experience has, I think, proved that those systems of prison discipline which are based solely or mainly on the theory of reformation have failed in both the essential requisitions of a penal institution; I mean they have failed to reform as well as to deter.

\* \* \* \* \*

6679. (*Sir J. Pakington*). In what respect does your Lordship think that system less penal than the separate system, as carried out at Pentonville?—I think the mere fact of prisoners being rewarded, however useful as a stimulus to industry, has a tendency very much to diminish the penal effect of punishment. I perhaps may add to that remark,

that in a great deal of the reasoning of Captain Maconochie, and in his principles, so far as they are applied to what I have ventured to term the second stage in a prisoner's treatment, I very much concur.

\* \* \* \* \*

6687. Then, in fact, I understand from your Lordship's explanation, that you consider, under the separate, system that the penal and reformatory elements exist concurrently?—Clearly.

6688. And that the real effect of this sentence (*i. e.*, a sentence in the evidence previously given by his Lordship) would be, that you would be sorry to see solitude, as the more penal part, diminished?—Yes.

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#### No. X.

Some persons, who are decided advocates of Separation, question the necessity for "separate" exercising yards, partitions in Chapel, and cap peaks for covering the face during the very few minutes occupied in passing from one part of the prison to another. They contend that the separation may be maintained rigorously without these precautions. It appears to me, however, that these expedients can hardly fail to increase, more or less, the rigour of the discipline. But it is important that it should be known, that the object of these arrangements is not merely to cut off the communication more completely, but also to *prevent the mutual recognition of prisoners after their liberation*. Indeed this may almost be considered as the primary object of these means of seclusion. Now that the convicts are associated for long terms at the public works, this object is of little importance in their case; but in County and Borough prisoners it is an object of very great importance. When a prisoner, not yet hardened in crime, becomes known as a criminal by all the rogues and vagabonds that pass through the prison during the period of

his incarceration, the chances of his persevering in an honest course of life after liberation, if he makes the effort, are considerably diminished. Let him go where he will, he will be liable to criminal solicitation from some of his prison companions; especially if he procures a good situation, the hardened and systematic criminal will aim to secure his services, in order to gain readier access to the premises and property of his employer. If he yields to such overtures in the slightest degree, he is undone; if he refuses compliance, his employer, or the police, will be informed of his previous conviction, he will be dismissed, and be again driven to crime by want or desperation.

If these arrangements are attended with any serious evils, their merits must be determined like the merits of all *penal* measures, by the weighing of advantages against disadvantages. At Pentonville, no inconvenience was found to result from them under the original rigorous administration of the discipline.

It is only incidentally, however, that I notice these three points. I have restricted myself to investigating the results at *Pentonville*; and no change has yet been made in these particulars with the exception of taking down one separate exercising yard; and it is since this work was prepared for the press, that that alteration has been carried into effect. The infringements which have been made upon the Separate System at this prison are—the decrease in the amount of instruction,—the impairing the supervision over the prisoners in the cells by throwing an excessive amount of work upon a reduced staff of discipline officers,—the association of a large proportion of the prisoners at their trades, or in the general service of the prison and,—the reduction of the term of separation for the purpose of removing the prisoners to the public works, where not even silence is enforced.

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